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**Monday,
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Part XVI

**Department of
Veterans Affairs**

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Veterans Affairs.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning October 2001. The purpose in publishing the Department's regulatory agenda is to allow all interested persons the

opportunity to participate in VA's regulatory planning.

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

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

SUPPLEMENTARY INFORMATION: This document is issued pursuant to Executive Order 12866 "Regulatory Planning and Review" (and implementing guidance) and the

Regulatory Flexibility Act, which require that executive agencies semiannually publish in the **Federal Register** an agenda of regulations that VA will have under development or review. For this edition of the Department of Veterans Affairs regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

Thomas O. Gessel,
Director, Office of Regulations Management.

Department of Veterans Affairs—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3144	Medication Prescribing Authority	2900-AK05
3145	Mandatory Disclosure of Social Security Number	2900-AK82
3146	Standards for Collection, Compromise, Suspension, or Termination of Collection Effort; Regional Office Committee on Waiver and Compromises	2900-AK10

Department of Veterans Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3147	Medical Care and Treatment for Which VA Will Not Seek Reimbursement	2900-AJ20
3148	Clothing Allowance	2900-AJ21
3149	Medical Benefits Package; Copayments for Extended Care Services	2900-AK32
3150	Enrollment Priority Category Status Changes	2900-AK38
3151	Healthcare for Children Born With One or More Covered Birth Defects to Vietnam Veterans	2900-AK88
3152	Enrollment—Provision of Hospital and Outpatient Care to Veterans—Priority Categories 5, 6, and 7	2900-AK92
3153	Payment for Non-VA Medical Services and Inpatient Care Provided at Non-VA Facilities	2900-AK94
3154	Reasonable Charges for Medical Care or Services	2900-AL06
3155	Schedule for Rating Disabilities—The Orthopedic System	2900-AE91
3156	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders	2900-AF23
3157	Schedule for Rating Disabilities—Digestive System	2900-AF24
3158	Total Disability Evaluations Based on Inability of the Individual To Engage in Substantially Gainful Employment ...	2900-AH21
3159	Evidence on File at Date of Death	2900-AH42
3160	Ankylosis and Limitation of Motion of Digits of the Hands	2900-AI44
3161	Dependents Education: Eligibility and Entitlement Standards	2900-AJ19
3162	Schedule for Rating Disability: The Spine	2900-AJ60
3163	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
3164	Evidence of Permanent and Total Disability	2900-AJ82
3165	Schedule for Rating Disabilities: Global Assessment of Functioning Scale in the Evaluation of Mental Disorders ...	2900-AJ84
3166	Benefit of the Doubt	2900-AJ93
3167	Permanent Incapacity for Self-Support	2900-AJ95
3168	Presumptive Service Connection for Hepatitis C Infection	2900-AJ96
3169	Minimum Active Duty Requirement	2900-AK02
3170	State Department as Agent of Department of Veterans Affairs	2900-AK03
3171	Commencement of the Period of Payment	2900-AK09
3172	Service Connection and Chronic Disability	2900-AK11
3173	Time Limits, Extensions, and Computation of Time Limits	2900-AK17

VA

Department of Veterans Affairs—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3174	Finality of Decisions	2900-AK18
3175	Delegation of Authority To Issue Decisions on Benefits Claims	2900-AK19
3176	Individuals and Groups Considered To Have Performed Active Military, Naval, or Air Service	2900-AK20
3177	Psychosis	2900-AK21
3178	Change of Law-Effect on Benefits	2900-AK22
3179	Renouncement of Benefits	2900-AK23
3180	Testimony in Support of Benefit Claims	2900-AK24
3181	Acceptable Evidence of Marriage, Divorce, Birth, Age, Biological Relationship, Child's Relationship, and Death	2900-AK26
3182	Acceptable Evidence of Void and Annulled Marriages	2900-AK27
3183	Independent Medical Opinions	2900-AK31
3184	Acceptable Evidence of Termination of Marital Relationship or Conduct	2900-AK35
3185	Evidence From Foreign Countries	2900-AK37
3186	National Service Life Insurance—Plain English Revision	2900-AK43
3187	Acceptable Evidence of Unexplained Absence for 7 Years	2900-AK49
3188	Validity of Enlistments	2900-AK59
3189	Computation of Service	2900-AK60
3190	Diseases Specific to Radiation-Exposed Veterans (Reg Plan Seq No. 112)	2900-AK64
3191	Monetary Allowances for Certain Children of Vietnam Veterans; Identification of Covered Birth Defects	2900-AK67
3192	Acceptable Evidence of Change in Status or Number of Dependents	2900-AK70
3193	Loan Guaranty: Pre-Purchase Counseling Requirements	2900-AK76
3194	Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehabilitation Services, or Compensated Work Therapy Program	2900-AK77
3195	Veterans and Dependents Education: Topping Up Tuition Assistance and Payment for Licensing and Certification Tests	2900-AK80
3196	Veterans Education: Additional Opportunity To Participate in the Montgomery GI Bill and Other Miscellaneous Issues	2900-AK81
3197	Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War	2900-AK83
3198	Vocational Training for Certain Children of Vietnam Veterans—Covered Birth Defects and Spina Bifida	2900-AK90
3199	Conditional Discharge	2900-AK93
3200	Time Limit for Request for DeNovo Review	2900-AK97
3201	Evidence Requirements for Service and Character of Discharge	2900-AL03
3202	Veterans Education: Streamlining Approval of Courses	2900-AL07
3203	Universal Product Numbers (UPNs)	2900-AJ45
3204	Construction and Architect-Engineer Contracts	2900-AJ56
3205	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite	2900-AK78
3206	Board of Veterans' Appeals: Rules of Practice—Appeal Withdrawal	2900-AK71
3207	Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans	2900-AL08
3208	Headstone and Marker Inscription Policy	2900-AH45
3209	State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries	2900-AH46
3210	Eligibility for Burial of Dependent Adult Children of Eligible Veterans; and Eligibility for Burial of Certain Filipino Veterans	2900-AI95
3211	Use of the Secretary's Authority as Provided by 38 U.S.C. 2402(6)	2900-AJ48
3212	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2900-AJ62

References in boldface appear in the **Regulatory Plan** in part II of this issue of the **Federal Register**.

Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3213	Provision of Drugs and Medicines Prescribed by Non-VA Physicians	2900-AJ24
3214	Advanced Health Care Planning	2900-AJ28
3215	Provision of Drugs and Medicines to Certain Veterans in State Nursing Homes	2900-AJ34
3216	Grants to States for Construction and Acquisition of State Home Facilities	2900-AJ43
3217	Per Diem for Adult Day Health Care of Veterans in State Homes	2900-AJ74
3218	Policy Regarding Participation in National Practitioner Data Bank	2900-AJ76
3219	Compensated Work Therapy/Transitional Residences Program	2900-AK01

VA

Department of Veterans Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3220	Payment or Reimbursement for Emergency Treatment Furnished at Non-VA Facilities (Reg Plan Seq No. 113) ...	2900-AK08
3221	Reasonable Charges for Medical Care or Services	2900-AK39
3222	Copayments for Inpatient Hospital Care and Outpatient Medical Care	2900-AK50
3223	Reasonable Charges for Medical Care or Services	2900-AK73
3224	Copayments for Medications (Reg Plan Seq No. 114)	2900-AK85
3225	Civilian Health and Medical Program of Department of Veterans Affairs (CHAMPVA)	2900-AK89
3226	Reasonable Charges for Medical Care or Services	2900-AL05
3227	Schedule for Rating Disabilities—The Skin	2900-AF00
3228	Revised Definition of Net Value and Revised Criteria for Pre-Foreclosure Debt Waivers	2900-AG20
3229	Vision	2900-AH43
3230	Intervertebral Disc Syndrome	2900-AI22
3231	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AI42
3232	Veterans Education: Reporting and Recordkeeping Requirements at Flight Schools	2900-AJ23
3233	Exclusions From Income	2900-AJ52
3234	Accelerated Benefits Option for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance	2900-AJ80
3235	Loan Guaranty: Advertising and Solicitation Disclosure Requirements	2900-AJ86
3236	Post-Traumatic Stress Disorder Claims Based on Personal Assault	2900-AK00
3237	Veterans Vocational Rehabilitation and Education: Title Change	2900-AK46
3238	Filipino Veterans Benefit Improvements	2900-AK65
3239	Special Monthly Compensation for Women Veterans Who Lose a Breast as a Result of a Service-Connected Disability	2900-AK66
3240	Duty to Assist	2900-AK69
3241	Exclusion From Countable Income of Expenses Paid for Veteran's Last Illness Subsequent to Veteran's Death but Prior to Date of Death Pension Entitlement	2900-AK84
3242	Claims Based on Exposure to Ionizing Radiation	2900-AK87
3243	Recoupment of Nondisability Severance Pay From VA Compensation	2900-AK95
3244	Certification for Eligibility for Adaptive Equipment for Automobiles or Other Conveyances	2900-AK96
3245	Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses	2900-AK98
3246	Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve	2900-AK99
3247	Increase in Rates Payable Under the Dependents' Educational Assistance Program	2900-AL00
3248	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty	2900-AL01
3249	Increase in Rates Payable Under the Educational Assistance Test Program	2900-AL02
3250	Department of Veterans Affairs Acquisition Regulation—Simplified Acquisition Procedures for Health Care Resources	2900-AI71
3251	Sealed Bidding and Competitive Proposals	2900-AI99
3252	Veterans Affairs Acquisition Regulation: Revisions to VA Acquisition Regulations Parts 801 through 805	2900-AK75
3253	Board of Veterans Appeals—Rules of Practice—Attorney Fee Matters	2900-AI98
3254	Delegations of Authority—Appeals Regulations and Rules of Practice	2900-AJ66
3255	Notice of Appeal in Simultaneously Contested Claims	2900-AJ73
3256	The Board of Veterans Appeal; Rules of Practice—Motion for Review of Decisions on Grounds of Clear and Unmistakable Error: Content of Record; Advancement on the Docket	2900-AJ85
3257	Appeal Regulations, Rules of Practice: Use of Supplemental Statement of the Case	2900-AK33
3258	Rules of Practice: Medical Opinions From the Veterans Health Administration	2900-AK52
3259	Appeals Regulations: Title for Members of the Board of Veterans Appeals	2900-AK62
3260	Board of Veterans Appeals: Rules of Practice—Effect of Procedural Defects in Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error	2900-AK74
3261	Board of Veterans' Appeals: Obtaining Evidence and Curing Procedural Defects Without Remanding	2900-AK91
3262	Interment or Memorialization in VA National Cemeteries and Certain State Cemeteries—Federal or State Capital Crime	2900-AJ77
3263	Delegation of Authority—Decisionmaking Regarding Discrimination	2900-AJ63
3264	Nondiscrimination on the Basis of Race, Color, or National Origin; Handicap; and Age in Programs and Activities Receiving Federal Assistance	2900-AK13
3265	Release of Information From Department of Veterans Affairs Records	2900-AH98
3266	Recognition of Organizations and Accreditation of Representatives	2900-AI93

References in boldface appear in the **Regulatory Plan** in part II of this issue of the **Federal Register**.

VA

Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3267	Protection of Human Subjects	2900-AJ08
3268	Waivers	2900-AK29
3269	Loan Guaranty: Multifamily Transitional Housing for Homeless Veterans Program	2900-AK58
3270	Amendments to Training and Rehabilitation Programs	2900-AG00
3271	Loan Guaranty: Revision to VA Work Rules for Credit Scored Loans	2900-AJ91
3272	Loan Guaranty: Credit Standards Revision	2900-AJ92
3273	Governmentwide Debarment and Suspension (Nonprocurement) and Requirement for Drug-Free Workplace (Assistance)	2900-AK16
3274	Plain Language (Reader Focused Writing) Initiative; National Service Life Insurance (NSLI)	2900-AL09
3275	Appeals Regulations; Rules of Practice	2900-AE78
3276	Rules of Practice; Hearings	2900-AG07
3277	Rules of Practice: Medical Opinions; Appeal Processing and Submission of Additional Evidence	2900-AG90
3278	Operation of Child Care Centers at VA Facilities	2900-AD48

Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
3279	Delegation of Authority—Loan Guaranty for Multifamily Transitional Housing for Homeless Veterans	2900-AK51
3280	Provision of Hospital and Outpatient Care to Veterans	2900-AK53
3281	Medical Benefits Package	2900-AK55
3282	Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA	2900-AE20
3283	Acceptance of Partial Payments; Indemnification of Default	2900-AE60
3284	Certification Evidence for Proof of Service	2900-AJ55
3285	Review of Benefit Claims Decisions	2900-AJ99
3286	Revised Definition of a Program of Education Under the Montgomery GI Bill—Active Duty and Other Miscellaneous Issues	2900-AK06
3287	Signature by Mark	2900-AK07
3288	Schedule for Rating Disabilities: Disabilities of the Liver	2900-AK12
3289	Written and Oral Information on Statements Affecting Entitlement to Benefits	2900-AK25
3290	Acceptable Evidence of Marriage	2900-AK30
3291	Acceptable Evidence of Divorce	2900-AK34
3292	Acceptable Evidence of Birth	2900-AK36
3293	Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve	2900-AK40
3294	Veterans Education: Increased Allowance for the Educational Test Program	2900-AK41
3295	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational Assistance	2900-AK44
3296	End of the Service Members Occupational Conversion and Training Program	2900-AK45
3297	Acceptable Evidence of Child's Relationship	2900-AK47
3298	Acceptable Evidence of Death	2900-AK48
3299	U.S. Flags for Burials of Certain Members of the Selected Reserve	2900-AK56
3300	Disease Associated With Exposure to Certain Herbicide Agents: Type 2 Diabetes	2900-AK63
3301	Veterans Benefits and Health Care Improvement Act of 2000	2900-AK68
3302	Delegation of Authority—Portfolio Loan Servicing Contractor	2900-AK72
3303	Veterans Education: Topping Up Tuition Assistance	2900-AK79
3304	Board of Veterans Appeals: Rules of Practice—Subpoenas	2900-AJ58
3305	Notification of Representatives in Connection With Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error	2900-AJ75
3306	Rules of Practice; Jurisdiction	2900-AJ97
3307	Board of Veterans Appeals: Rules of Practice—Time for Filing Substantive Appeal	2900-AK54

Department of Veterans Affairs (VA)

Prerule Stage

**VETERANS HEALTH
ADMINISTRATION****3144. MEDICATION PRESCRIBING
AUTHORITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17; 38 CFR 17.33**Legal Deadline:** None

Abstract: The Veterans Health Administration of the Department of Veterans Affairs is considering amending its medical regulations to specify those who are eligible to prescribe medications. The supplementary information portion of the document contains a preliminary list of those under consideration for prescribing medications. To help formulate a proposed rule regarding medication prescribing authority, an advance notice of proposed rulemaking solicits written comments and announces a public hearing.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/01	

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

Agency Contact: Audrey Crenshaw Drake, Program Director Nursing (118), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8424
Fax: 202 273-9066
Email: audrey.drake@mail.va

RIN: 2900-AK05**VETERANS BENEFITS
ADMINISTRATION****3145. • MANDATORY DISCLOSURE
OF SOCIAL SECURITY NUMBER****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 1806; 38 USC 5101(c)**CFR Citation:** 38 CFR 3.216**Legal Deadline:** None

Abstract: The Department of Veterans Affairs proposes to amend its adjudication regulation concerning the mandatory disclosure of social security numbers. The intended effect is to present the existing regulation in "plain language."

Timetable:

Action	Date	FR Cite
ANPRM	06/00/02	

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

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

RIN: 2900-AK82**OFFICE OF FINANCIAL
MANAGEMENT****3146. STANDARDS FOR COLLECTION,
COMPROMISE, SUSPENSION, OR
TERMINATION OF COLLECTION
EFFORT; REGIONAL OFFICE
COMMITTEE ON WAIVER AND
COMPROMISES****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3700 et seq; 38 USC 501; 38 USC 5302; 38 USC 5314; 38 USC 5315**CFR Citation:** 31 CFR 900 to 904; 38 CFR 1.900 to 1.970**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	12/00/01	

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

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

RIN: 2900-AK10

Department of Veterans Affairs (VA)

Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION**3147. MEDICAL CARE AND TREATMENT FOR WHICH VA WILL NOT SEEK REIMBURSEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1729**CFR Citation:** 38 CFR 17.107**Legal Deadline:** None

Abstract: This document proposes to amend VA's medical regulations to provide that, under specified conditions, VA will not seek reimbursement from health insurance carriers or from veterans in the form of copayments for care or services not adjudicated as service connected.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

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

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

Phone: 202 273-8198

Fax: 202 273-4897

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

RIN: 2900-AJ20**3148. CLOTHING ALLOWANCE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 1162**CFR Citation:** 38 CFR 3.810**Legal Deadline:** None

Abstract: The regulatory action needs to be amended to contain specific language that submission of torn, worn, damaged clothing is not a specific condition for approving clothing allowances.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

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

Agency Contact: Frederick Downs Jr., Chief, Consultant, Prosthetic and

Sensory Aids Strategic Healthcare Group, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8515

RIN: 2900-AJ21**3149. MEDICAL BENEFITS PACKAGE; COPAYMENTS FOR EXTENDED CARE SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1710; PL 106-117**CFR Citation:** 38 CFR 17.36; 38 CFR 17.38; 38 CFR 17.111**Legal Deadline:** None

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

Timetable:

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

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

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

Phone: 202 273-8198

Fax: 202 273-4897

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

RIN: 2900-AK32**3150. ENROLLMENT PRIORITY CATEGORY STATUS CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; PL 106-117**CFR Citation:** 38 CFR 17.36**Legal Deadline:** None

Abstract: Pursuant to the Veteran's Health Care Eligibility Reform Act of 1996, VA implemented a national enrollment system to manage the delivery of VA hospital and outpatient care. Veterans are eligible to be enrolled based on the Secretary's determination concerning which of the seven priority categories of veterans to enroll. Section 112 of Public Law No. 106-117, the Veteran's Millennium Health Care and Benefits Act, amended the priority categories to include veterans awarded the Purple Heart in priority category three. Accordingly, we intend to change our medical regulations at 38 CFR 17.36 to reflect this statutory change. We further propose to amend VA's Disenrollment requirements set forth under 38 CFR 17.36(d)(4)(iii) to allow priority category 5 veterans enrolled in this category based on their annual income information to remain enrolled. Currently, under 38 CFR 17.36(d)(4)(iii), a veteran enrolled under paragraphs (d)(2) or (d)(3) will be disenrolled if a VA network or facility director, or the Chief Network Officer, determines that a veteran has been enrolled based on inclusion in priority category 5, the veteran was sent by mail a VA Form 10-1-EZ, and the veteran failed to return the completed form to the address on the return envelop within 60 days from receipt of the form. We propose to continue their enrollment but only after the veteran agrees to co-pay requirements set forth under 38 U.S.C. 1710(f) and 1710(g). We also propose to amend the enrollment application form to reflect these changes and to add to the form instructions, a consent to release information, a statement regarding Paperwork Reduction Act changes are necessary to reflect statutory requirements, and to provide information to the public.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

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

Agency Contact: Roscoe G. Butler, Chief, Policy and Operations (10C3), Department of Veterans Affairs,

VA

Proposed Rule Stage

Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-8302
 Fax: 202 273-9609
 Email: roscoe.butler@mail.va.gov
 RIN: 2900-AK38

3151. ● HEALTHCARE FOR CHILDREN BORN WITH ONE OR MORE COVERED BIRTH DEFECTS TO VIETNAM VETERANS

Priority: Substantive, Nonsignificant

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

CFR Citation: 38 CFR 17.900 to 1905

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan K. Schmetzer, Chief, Policy and Strategic Planning, Health Administration Center, Department of Veterans Affairs, 300 South Jackson Street, Denver, CO 80209
 Phone: 303 331-7552
 Email: schmetzer@champva.denver.va.gov

RIN: 2900-AK88

3152. ● ENROLLMENT—PROVISION OF HOSPITAL AND OUTPATIENT CARE TO VETERANS—PRIORITY CATEGORIES 5, 6, AND 7

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1705; PL 104-262

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: VA has established a national enrollment system to manage the delivery of health care services. Veterans are eligible to be enrolled based on seven categories of priority. This document proposes to establish subpriorities for priority categories 5, 6, and 7. The proposed changes are intended to provide an equitable system for further prioritizing the enrollment of veterans in these priority categories.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Amy Hertz, Office of Policy and Planning (105), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-8932

RIN: 2900-AK92

3153. ● PAYMENT FOR NON-VA MEDICAL SERVICES AND INPATIENT CARE PROVIDED AT NON-VA FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs (VA) medical regulations to establish a payment methodology for inpatient care and outpatient medical services provided to eligible VA beneficiaries at non-VA facilities. It is proposed that when there is an amount already calculated under the Medicare Payment Systems for services, VA would pay the lesser of the actual billed charge, an amount negotiated with the provider or the provider's agent, or the calculated amount. It appears that the adoption of the proposal would help ensure that amounts paid for these services would better reflect the resource inputs used to furnish a service and better reflect the true value of services. Further, it is proposed that the regulations would continue to require that VA payment

constitute payment in full. In our view, this is required by statute.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rex Gilmore, Health Administration Service (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-8307

RIN: 2900-AK94

3154. ● REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES

Priority: Substantive, Nonsignificant

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

CFR Citation: 38 CFR 17.101

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-8210
 Fax: 202 273-4897

RIN: 2900-AL06

VA

Proposed Rule Stage

**VETERANS BENEFITS
ADMINISTRATION****3155. SCHEDULE FOR RATING
DISABILITIES—THE ORTHOPEDIC
SYSTEM****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71(a)**Legal Deadline:** None

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

Timetable:

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

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

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7410

RIN: 2900-AE91**3156. SCHEDULE FOR RATING
DISABILITIES—NEUROLOGICAL
CONDITIONS AND CONVULSIVE
DISORDERS****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.120; 38 CFR 4.121; 38 CFR 4.122; 38 CFR 4.123; 38 CFR 4.124; 38 CFR 4.124a**Legal Deadline:** None

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

Timetable:

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

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

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AF23**3157. SCHEDULE FOR RATING
DISABILITIES—DIGESTIVE SYSTEM****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.114**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20168
ANPRM Comment Period End	07/01/91	
NPRM	03/00/02	

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

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AF24**3158. TOTAL DISABILITY
EVALUATIONS BASED ON INABILITY
OF THE INDIVIDUAL TO ENGAGE IN
SUBSTANTIALLY GAINFUL
EMPLOYMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 512(a); 38 USC 1110; 38 USC 1131; 38 USC 1155; 38 USC 1502; 38 USC 1521(a)**CFR Citation:** 38 CFR 3.321; 38 CFR 3.340; 38 CFR 3.341; 38 CFR 3.342; 38 CFR 4.16; 38 CFR 4.17; 38 CFR 4.18**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	10/01/01	66 FR 49886
NPRM Comment Period End	11/30/01	
Final Action	04/00/02	

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

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

Phone: 317 226-5209

RIN: 2900-AH21**3159. EVIDENCE ON FILE AT DATE
OF DEATH****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.1000**Legal Deadline:** None

Abstract: This action will clarify the definition of "medical evidence on file at time of death" (Hayes v. Brown).

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

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

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

Phone: 317 226-5209

RIN: 2900-AH42

VA

Proposed Rule Stage

3160. ANKYLOSIS AND LIMITATION OF MOTION OF DIGITS OF THE HANDS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71a**Legal Deadline:** None**Abstract:** This document revises the evaluation criteria for ankylosis and limitation of motion of the fingers to ensure that veterans diagnosed with these conditions receive consistent evaluations.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7410**RIN:** 2900-AI44**3161. DEPENDENTS EDUCATION: ELIGIBILITY AND ENTITLEMENT STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 90-631, sec 2; 38 USC 3541; 38 USC 3562; 38 USC 3681; 38 USC 3686; 38 USC 3687; 38 USC 5304; PL 97-377, sec 156; 38 USC 501(a); 38 USC 3482; 38 USC 3501; 38 USC 3511; 38 USC 3512; 38 USC 3532; 38 USC 3533**CFR Citation:** 38 CFR 3.503; 38 CFR 21.3042; 38 CFR 21.3043; 38 CFR 21.3044; 38 CFR 21.3045; 30 CFR 21.3046; 30 CFR 21.3047; 38 CFR 3.667; 38 CFR 3.707; 38 CFR 3.807; 38 CFR 21.3020; 38 CFR 21.3021; 38 CFR 21.3023; 38 CFR 21.3040; 38 CFR 21.3041; ...**Legal Deadline:** None**Abstract:** This document will amend Department of Veterans Affairs education regulations to provide a new interpretation of when the eligibility period ends for children eligible for Survivors' and Dependents' Educational Assistance. It will implement provisions of the Veterans Benefits and Health Care Improvement Act of 2000

that affect children's eligibility periods and the effective date of awards under Survivors' and Dependents' Educational Assistance. It will also implement recent opinions of the Court of Appeals for Veterans Claims that affect eligibility for Survivors' and Dependents' Educational Assistance. It will also make changes to clarify many of these regulations and other changes to make the regulations easier to use.

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Email: edubsusl@vba.va.gov

RIN: 2900-AJ19**3162. SCHEDULE FOR RATING DISABILITY: THE SPINE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71a**Legal Deadline:** None**Abstract:** This amendment will contain additions, deletions, and revisions of terminology pertaining to spinal disabilities based on a systematic review of the medical criteria used to evaluate disabilities of the spine.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7410**RIN:** 2900-AJ60**3163. EDUCATION PROVISIONS OF THE VETERANS PROGRAMS ENHANCEMENT ACT OF 1998****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 16136; 38 USC 3034; 38 USC 3241; 38 USC 3485; 38 USC 3537; 38 USC 3677; 38 USC 3684; 38 USC 5101**CFR Citation:** 38 CFR 21.4145; 38 CFR 21.4200; 38 CFR 21.4206; 38 CFR 21.4262**Legal Deadline:** None**Abstract:** This rule will bring VA's educational assistance regulations into agreement with the Veterans Program Enhancement Act of 1998. This will include revising the calculation of the reporting fee paid to educational institutions; making advance payments to work-study students optional rather than mandatory; and revising the approval criteria for on-job training programs offered by the Federal Government or by State or local governments.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AJ68**3164. EVIDENCE OF PERMANENT AND TOTAL DISABILITY****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.3(a)**Legal Deadline:** None**Abstract:** This amendment would allow VA to accept the following types of evidence as establishing that a veteran is permanently and totally disabled, without need for medical evidence: (1) Status as a nursing home patient, (2) SSA determination of total disability, and (3) attainment of age 65.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Phone: 317 226-5209

RIN: 2900-AJ82

3165. SCHEDULE FOR RATING DISABILITIES: GLOBAL ASSESSMENT OF FUNCTIONING SCALE IN THE EVALUATION OF MENTAL DISORDERS

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 4.125**Legal Deadline:** None

Abstract: To assure evaluation of mental disorders is based solely on rating schedule criteria.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7410

RIN: 2900-AJ84

3166. BENEFIT OF THE DOUBT

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 5107(b)**CFR Citation:** 38 CFR 3.102**Legal Deadline:** None

Abstract: This action proposes to amend 38 CFR part 3 by adding a new subpart D—Universal Adjudication Rules. This new subpart would consist of reorganized sections from existing subpart A. The first of these sections to be reorganized is the general concept of “benefit of the doubt.” The intended

effect of this amendment is to retain the existing provision but rewritten in a reorganized format using plain language principles and recognizing decisions of the U.S. Court of Appeals for Veterans Claims.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AJ93

3167. PERMANENT INCAPACITY FOR SELF-SUPPORT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 1115; 38 USC 1311; 38 USC 1313; 38 USC 1314; 38 USC 1521; 38 USC 1541; 38 USC 1542; PL 101-508; PL 102-568

CFR Citation: 38 CFR 3.356**Legal Deadline:** None

Abstract: This action proposes to amend 38 CFR part 3 to conform it to the Presidential Memorandum of June 1, 1998, Plain Language in Government Writing, by revising provisions on helpless children in section 3.356 and by incorporating rules on helpless children in VA’s Adjudication Procedures Manual, M21-I.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AJ95

3168. PRESUMPTIVE SERVICE CONNECTION FOR HEPATITIS C INFECTION

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.318**Legal Deadline:** None

Abstract: This document proposes to amend the Department of Veterans Affairs adjudication regulations to establish presumptive service connection for hepatitis C infection in veterans who were exposed to blood during combat who underwent certain treatment procedures during active duty service. The intended effect of this rule is to ensure that veterans who may have been exposed to the hepatitis C virus during active military service, because they underwent hemodialysis, transfusion of blood or blood products before January 1, 1993, or solid organ transplant before January 1, 1993, will be service-connected for hepatitis C infection.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AJ96

3169. MINIMUM ACTIVE DUTY REQUIREMENT

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5303A**CFR Citation:** 38 CFR 3; 38 CFR 3.12a**Legal Deadline:** None

Abstract: This document explains the minimum active-duty service requirement (MADSR) for entitlement to VA benefits in “plain language.” It

VA

Proposed Rule Stage

incorporates a provision from the adjudication procedures manual, M21-1, not currently addressed in the regulation, to allow for public comment. It also corrects in M21-1, the date of enactment of the law under which the MADSR was authorized. This does not affect entitlement or eligibility to VA benefits previously established under the manual provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AK02

3170. STATE DEPARTMENT AS AGENT OF DEPARTMENT OF VETERANS AFFAIRS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 5106

CFR Citation: 38 CFR 3; 38 CFR 3.108

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs,

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Phone: 202 273-7210

RIN: 2900-AK03

3171. COMMENCEMENT OF THE PERIOD OF PAYMENT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 5111

CFR Citation: 38 CFR 3; 38 CFR 3.31

Legal Deadline: None

Abstract: This document explains in "plain language" when benefit payments begin for certain original, reopened, or increased awards. It also clarifies procedures to enhance consistency of application and proposes to remove two requirements from the adjudication procedures manual, M21-1, that are inconsistent with governing authority.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AK09

3172. SERVICE CONNECTION AND CHRONIC DISABILITY

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1110; 38 USC 1131

CFR Citation: 38 CFR 3.303

Legal Deadline: None

Abstract: Title 38 Code of Federal Regulations section 3.303 concerns the basic principles of service connection. This includes provisions on chronic disabilities and continuity of symptomatology. Section 3.303 is being revised into Reader Focused Writing. In addition, VA plans to make substantive changes needed to implement the U.S. Court of Appeals for Veterans Claims'

holdings in the Savage, McManaway, and Hodges cases.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK11

3173. TIME LIMITS, EXTENSIONS, AND COMPUTATION OF TIME LIMITS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 5103; 38 USC 7105(c)

CFR Citation: 38 CFR 3.109; 38 CFR 3.110

Legal Deadline: None

Abstract: This provision explains in "plain language" about time limits for providing evidence to VA to complete claims, how those time limits are computed, and under what circumstances extensions to the time limits may be allowed.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2900-AK17

VA

Proposed Rule Stage

3174. FINALITY OF DECISIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 502; 38 USC 511; 38 USC 5104; 38 USC 5109A; 38 USC 5112(b)(6)**CFR Citation:** 38 CFR 3.104**Legal Deadline:** None**Abstract:** This amendment informs claimants in "plain language" when a VA decision is final, how a decision by one VA office affects other VA offices, and under what circumstances a VA decision may be changed.**Timetable:**

Action	Date	FR Cite
NPRM	10/23/01	66 FR 53565
NPRM Comment Period End	12/24/01	
Final Action	04/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AK18**3175. DELEGATION OF AUTHORITY TO ISSUE DECISIONS ON BENEFITS CLAIMS****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 512**CFR Citation:** 38 CFR 3.100**Legal Deadline:** None**Abstract:** This is a plain language restatement of the existing delegations of authority to issue decisions on benefit claims.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans BenefitsAdministration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7228

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RIN: 2900-AK19**3176. INDIVIDUALS AND GROUPS CONSIDERED TO HAVE PERFORMED ACTIVE MILITARY, NAVAL, OR AIR SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101; 38 USC 102; 38 USC 107; 38 USC 501(a); 38 USC 1152; 38 USC 1504, 5303(c); PL 95-202; ...**CFR Citation:** 38 CFR 3.7**Legal Deadline:** None**Abstract:** This amendment reorganizes the current regulation and rewrites it in "plain language." The regulation identifies civilian groups and individuals determined to have performed active service based on their service to U.S. Armed Forces. We propose to add three new groups, under the authority of Public Law No. 95-202, based on the recent decision of the Secretary of the Air Force that the service of these group members constitutes active military service.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AK20**3177. PSYCHOSIS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.384**Legal Deadline:** None**Abstract:** This document proposes to amend the Department of Veterans Affairs adjudication regulations to define the term "psychosis." The term is used but not defined in certain

statutes that provide presumptive service connection for compensation or health care purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK21**3178. CHANGE OF LAW-EFFECT ON BENEFITS****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 186; 38 USC 5112(b)(6); 38 USC 5110(g)**CFR Citation:** 38 CFR 3.114**Legal Deadline:** None**Abstract:** These amendments are plain language restatements of adjudication regulations dealing with the effective dates that must be assigned when entitlement or non-entitlement to benefits is based on a change of law or a change VA rules.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK22**3179. RENOUNCEMENT OF BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5306**CFR Citation:** 38 CFR 3.106

VA

Proposed Rule Stage

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/24/01	66 FR 48845
NPRM Comment Period End	11/23/01	
Final Action	04/00/02	

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

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

RIN: 2900-AK23**3180. TESTIMONY IN SUPPORT OF BENEFIT CLAIMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5711(a)(3)**CFR Citation:** 38 CFR 3.200**Legal Deadline:** None

Abstract: This proposal is a rewrite of the current regulation concerning the requirements for submitting oral and written testimony. We also propose to incorporate two provisions currently found in the adjudication procedure manual. The changes will make the regulation easier to understand and give claimants more information about the requirements for submitting oral and written testimony.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

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

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

RIN: 2900-AK24**3181. ACCEPTABLE EVIDENCE OF MARRIAGE, DIVORCE, BIRTH, AGE, BIOLOGICAL RELATIONSHIP, CHILD'S RELATIONSHIP, AND DEATH****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5124**CFR Citation:** 38 CFR 3.204 to 3.206; 38 CFR 3.209 to 3.211**Legal Deadline:** None

Abstract: This document amends the current regulations concerning evidence that is acceptable as proof of marriage, divorce, birth, age, biological relationship, child's relationship, and death. The intended effect of this amendment is to present the existing regulations in plain language.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

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

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

RIN: 2900-AK26**3182. ACCEPTABLE EVIDENCE OF VOID AND ANNULLED MARRIAGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 103**CFR Citation:** 38 CFR 3.207**Legal Deadline:** None

Abstract: This amendment explains in "plain language" what VA considers acceptable evidence of a void or annulled marriage.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

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

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

RIN: 2900-AK27**3183. INDEPENDENT MEDICAL OPINIONS****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5109; 38 USC 5701(b)(1); 38 USC 52a(f)(3)**CFR Citation:** 38 CFR 3.328**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

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

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Phone: 202 273-7228
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RIN: 2900-AK31**3184. ACCEPTABLE EVIDENCE OF TERMINATION OF MARITAL RELATIONSHIP OR CONDUCT****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 101(3); 38 USC 103(d); 38 USC 1311(e)(2)**CFR Citation:** 38 CFR 3.215**Legal Deadline:** None

Abstract: This a plain language restatement of the adjudication regulations that sets forth what VA will

VA

Proposed Rule Stage

accept as evidence that a relationship warranting an inference of remarriage has terminated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 273-7210

RIN: 2900-AK35

3185. EVIDENCE FROM FOREIGN COUNTRIES

Priority: Info./Admin./Other

Legal Authority: 38 USC 5712

CFR Citation: 38 CFR 3.202

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/19/01	66 FR 53139
NPRM Comment Period End	12/18/01	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2900-AK37

3186. NATIONAL SERVICE LIFE INSURANCE—PLAIN ENGLISH REVISION

Priority: Info./Admin./Other

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

CFR Citation: 38 CFR 8.0; 38 CFR 8.1

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2900-AK43

3187. ACCEPTABLE EVIDENCE OF UNEXPLAINED ABSENCE FOR 7 YEARS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 108

CFR Citation: 38 CFR 3.212

Legal Deadline: None

Abstract: This revision explains in plain language what evidence is acceptable for a finding of presumptive death. It incorporates a provision from the Adjudication Procedure Manual that explains what evidence of search for a missing person must show.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 273-7210

RIN: 2900-AK49

3188. VALIDITY OF ENLISTMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101(2)

CFR Citation: 38 CFR 3.14

Legal Deadline: None

Abstract: This revision explains in plain language what the Department of Veterans Affairs considers to be valid service.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 273-7210

RIN: 2900-AK59

3189. COMPUTATION OF SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 106(c); 38 USC 5303(a)

CFR Citation: 38 CFR 3.15

Legal Deadline: None

Abstract: This revision explains in plain language how the Department of Veterans Affairs computes the length of a period of service.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B),

VA

Proposed Rule Stage

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Vermont Avenue NW, Washington, DC
20420

Phone: 202 273-7210

RIN: 2900-AK60

3190. DISEASES SPECIFIC TO RADIATION-EXPOSED VETERANS

Regulatory Plan: This entry is Seq. No. 112 in part II of this issue of the **Federal Register**.

RIN: 2900-AK64

3191. MONETARY ALLOWANCES FOR CERTAIN CHILDREN OF VIETNAM VETERANS; IDENTIFICATION OF COVERED BIRTH DEFECTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1805(b)(3); 38 USC 1812; 38 USC 1815; 38 USC 5110(n); 38 USC 5312(c)(1)

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

Legal Deadline: None

Abstract: Section 401 of the Veterans Benefits and Health Care Improvement Act of 2000, Public Law 106-419, amended chapter 18 of title 38 United States Code by adding subchapter II authorizing VA to provide certain benefits, including a monthly monetary allowance, to children born with certain birth defects who are the natural children of women veterans who served in the Republic of Vietnam during the Vietnam era. This document amends existing VA adjudication regulations and adds a new section 3.815 to title 38 Code of Federal Regulations to implement this new authority. Section 1823 of title 38 United States Code specifies that receipt of this allowance shall not affect the right of the child, or the right of any individual based on the child's relationship to that individual, to receive any other benefit to which the child, or that individual, may be entitled under any law administered by VA, nor will the allowance be considered income or resources in determining eligibility for, or the amount of, benefits under any Federal or federally assisted program. We propose to amend 38 CFR 3.27, 3.29, 3.31, 3.114, 3.216, 3.261 to 263, 3.272, and 3.275 to reflect this statutory provision as it applies to VA's income-

based benefit programs. The statute states that the birth defects identified may not include: A familial disorder, a birth-related injury, or a fetal or neonatal infirmity with well-established causes. The regulation will provide non-exclusive lists of included and excluded conditions for benefits. It also provides criteria to determine which of four levels of monthly monetary payment will be assigned, based on an assessment of the day-to-day functioning of affected individuals or to the extent of disfigurement of the head, face, or neck due to one or more covered birth defects or associated disabilities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7410

RIN: 2900-AK67

3192. ACCEPTABLE EVIDENCE OF CHANGE IN STATUS OR NUMBER OF DEPENDENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)(1); 38 USC 1115; 38 USC 1310; 38 USC 1521; 38 USC 5124

CFR Citation: 38 CFR 3.213

Legal Deadline: None

Abstract: This revision explains in plain language what evidence is acceptable to VA for the purpose of increasing benefits by adding dependents or for decreasing or discontinuing benefits due to a reduction in dependents or a change of status.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AK70

3193. LOAN GUARANTY: PRE-PURCHASE COUNSELING REQUIREMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 38 CFR 36.4332

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/11/01	66 FR 51893
NPRM Comment Period End	12/10/01	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Email: lgyrfinn@vba.va.gov

RIN: 2900-AK76

3194. ADDITIONAL DISABILITY OR DEATH DUE TO HOSPITAL CARE, MEDICAL OR SURGICAL TREATMENT, EXAMINATION, TRAINING AND REHABILITATION SERVICES, OR COMPENSATED WORK THERAPY PROGRAM

Priority: Other Significant

Legal Authority: 38 USC 1151

CFR Citation: 38 CFR 3.358; 38 CFR 3.800

VA

Proposed Rule Stage

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning awards of compensation or dependency and indemnity compensation for additional disability or death caused by VA hospital care, medical or surgical treatment, examination, training and rehabilitation services, or compensated work therapy (CWT) program. Under the proposed amendment, benefits will be payable for additional disability or death caused by hospital care, medical or surgical treatment, or examination only if VA fault or "an event not reasonably foreseeable" proximately caused the disability or death. Benefits will also be payable for additional disability or death proximately caused by VA's provision of training and rehabilitation services or CWT program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

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

Agency Contact: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, Veterans Benefit Administration, 575 N Pennsylvania Street, Indianapolis, IN 46204
Phone: 317 226-5209

RIN: 2900-AK77

3195. VETERANS AND DEPENDENTS EDUCATION: TOPPING UP TUITION ASSISTANCE AND PAYMENT FOR LICENSING AND CERTIFICATION TESTS

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 3014; 38 USC 3015; 38 USC 3032; 38 USC 3232; 38 USC 3452; 38 USC 3482; 38 USC 3501**CFR Citation:** 38 CFR 21.4008 to 21.4009; 38 CFR 21.4146; 38 CFR 21.4150 to 21.4152; 38 CFR 21.4200; 38 CFR 21.4206; 38 CFR 21.4209 to 21.4212; 38 CFR 21.4216; 38 CFR 21.4230; 38 CFR 21.4234**Legal Deadline:** None**Abstract:** The Floyd D. Spence National Defense Authorization Act for

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

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

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

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RIN: 2900-AK80

3196. VETERANS EDUCATION: ADDITIONAL OPPORTUNITY TO PARTICIPATE IN THE MONTGOMERY GI BILL AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 3011 to 3012; 38 USC 3015; 38 USC 3018C; 38 USC 3080; 38 USC 16132**CFR Citation:** 38 CFR 21.4138; 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7136; 38 CFR 21.7540**Legal Deadline:** None**Abstract:** The Veterans Benefits and Health Care Improvement Act of 2000 affects the Montgomery GI Bill-Active Duty and the Montgomery GI Bill-

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

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

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RIN: 2900-AK81

3197. • PRESUMPTION OF SERVICE CONNECTION FOR CIRRHOSIS OF THE LIVER IN FORMER PRISONERS OF WAR

Priority: Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.309(c)**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning presumptive service connection for certain diseases.

Under the proposed amendment, VA will add cirrhosis of the liver to the list of diseases for which entitlement to service connection is presumed for former prisoners of war (POWs) interned or detained for at least 30 days. The intended effect is to make it easier for former POWs to obtain compensation benefits for cirrhosis based on scientific and medical research showing a higher risk of death

VA

Proposed Rule Stage

from cirrhosis in former POWs than in the general population.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, Veterans Benefit Administration, 575 N Pennsylvania Street, Indianapolis, IN 46204
Phone: 317 226-5209

RIN: 2900-AK83

3198. • VOCATIONAL TRAINING FOR CERTAIN CHILDREN OF VIETNAM VETERANS—COVERED BIRTH DEFECTS AND SPINA BIFIDA

Priority: Substantive, Nonsignificant

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

CFR Citation: 38 CFR 21.8010 - 21.8410

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Charles A Graffam, Veterans Claims Examiner (28), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7437

RIN: 2900-AK90

3199. • CONDITIONAL DISCHARGE

Priority: Info./Admin./Other

Legal Authority: 38 USC 101(18)

CFR Citation: 38 CFR 3.13; 38 CFR 3.2320

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to amend its adjudication regulation concerning what constitutes a conditional discharge from a period of active service. The intended effect is to present the existing regulation in "plain language."

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AK93

3200. • TIME LIMIT FOR REQUEST FOR DENOVO REVIEW

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 5109(a); 38 USC 7105(a)

CFR Citation: 38 CFR 3.2600

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK97

3201. • EVIDENCE REQUIREMENTS FOR SERVICE AND CHARACTER OF DISCHARGE

Priority: Info./Admin./Other

Legal Authority: 38 USC 101 and 1521(j)

CFR Citation: 38 CFR 3.203; 38 CFR 3.2405

Legal Deadline: None

Abstract: This document proposes to amend the regulation concerning evidence that is acceptable as proof of military service and character of discharge from military service. The intended effect of this amendment is to present the existing regulation in plain language.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AL03

3202. • VETERANS EDUCATION: STREAMLINING APPROVAL OF COURSES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3890

CFR Citation: 38 CFR 21.4266

Legal Deadline: None

Abstract: The regulations governing approval of courses offered by

VA

Proposed Rule Stage

institutions of higher learning (IHL) with branches in more than one State requires the IHL to maintain administrative capability in each State in which it operates. The information that the IHL must submit to VA concerning veterans' enrollment must come from each State rather than from a central location. This regulation became effective before the advent of e-mail or telefacsimile machines. VA intends to revise the pertinent regulation to allow approval of courses for VA training even if such an IHL does not have administrative capability in each State in which it operates.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

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

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RIN: 2900-AL07**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****3203. UNIVERSAL PRODUCT NUMBERS (UPNS)****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 811; 48 CFR 852**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

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

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

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

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Email: donald.kaliher@mail.va.gov

RIN: 2900-AJ45**3204. CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 801; 48 CFR 832; 48 CFR 836; 48 CFR 843; 48 CFR 846; 48 CFR 852**Legal Deadline:** None

Abstract: This rule proposes to amend the Department of Veterans Affairs Acquisition Regulation (VAAR) to revise and update section numbers and titles, to make minor grammatical corrections and revisions, to delegate authority, and to update parts 836, Construction and Architect-Engineer Contracts, and 852, Solicitation Provisions and Contract Clauses, all to correspond to the Federal Acquisition Regulation (FAR). The rule would clarify how existing VAAR clauses relating to construction contracts are to be used, remove obsolete or duplicative materials, update the VAAR regarding certified cost or pricing data, and provide Agency procedures regarding disclosure of the Government cost estimate on construction contracts. The rule would also remove a "guarantee" clause from the VAAR and provide for VA contracting officers to use the FAR "warranty" clause for construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/27/01	66 FR 49331

Action	Date	FR Cite
NPRM Comment	11/26/01	
Period End		
Final Action	04/00/02	

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

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AJ56**3205. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATIONS PLAIN LANGUAGE REWRITE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 48 USC 486(c)**CFR Citation:** 38 CFR 8**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

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

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office

VA

Proposed Rule Stage

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 RIN: 2900-AK78

BOARD OF VETERANS APPEALS

3206. BOARD OF VETERANS' APPEALS: RULES OF PRACTICE—APPEAL WITHDRAWAL

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7105(b)(2)

CFR Citation: 38 CFR 20.204

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AK71

3207. ● BOARD OF VETERANS' APPEALS: SPEEDING APPELLATE REVIEW FOR AGING VETERANS

Priority: Other Significant

Legal Authority: 38 USC 501(a); 38 USC 7107

CFR Citation: 38 CFR 20.900(c)

Legal Deadline: None

Abstract: The Board of Veterans' Appeals may advance a case on its docket for earlier consideration for "sufficient cause shown," 38 U.S.C. section 7107(a)(2). This regulation will expand the regulatory definition of "sufficient cause" in the Board's Rules of Practice to include advanced age. This will permit the Board, on motion, to expedite consideration of appeals from veterans and dependants, age 75 or more, who may be nearing the end of their life expectancy. There is now a sizable cohort of veterans of advanced age, particularly surviving combat veterans from World War II and the Korean War. No other alternatives are available. This amendment will not entail any risks or costs to the public or to the Government other than the costs normally associated with drafting, Agency review, and publication.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AL08

NATIONAL CEMETERY SYSTEM

3208. HEADSTONE AND MARKER INSCRIPTION POLICY

Priority: Info./Admin./Other

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 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 implementation of an all-inclusive inscription policy. This policy change provides for the payment at

Government expense of text only, space permitting, for optional inscriptions on all Government headstones or markers. The rule will be published as a proposed rule in the Federal Register to provide information to the public on specific changes to VA's inscription policy for Government-furnished headstones or markers. A 60-day public comment period will be provided. 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
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 2900-AH45

3209. STATE CEMETERY GRANTS: AID TO STATES FOR ESTABLISHMENT, EXPANSION, AND IMPROVEMENT OF VETERANS CEMETERIES

Priority: Other Significant

Legal Authority: 38 USC 2408

CFR Citation: 38 CFR 39.1; 38 CFR 39.2; 38 CFR 39.3; 38 CFR 39.7; 38 CFR 39.8; 38 CFR 39.9 (New)

Legal Deadline: None

Abstract: The proposed rule revises 38 CFR part 39 to amend Department of Veterans Affairs (VA) regulations for the State Cemetery Grants Program to implement and update information on program requirements and the application process for participants. The amendment formalizes new standards and provides guidance on how States may obtain funding for grants to expand, establish, or improve State veterans cemeteries. The rule will be published as proposed in the Federal Register to provide information to the public on how to apply for Federal funding for State veterans cemeteries. A 60-day public comment

VA

Proposed Rule Stage

period will be provided. It is subject to the requirements of the Administrative Procedures Act and E.O. 12866 because the rule is an interpretation of statute. The proposed rule will not have a significant economic impact on a substantial number of small entities; only those States that apply for funding may be direct beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

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

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RIN: 2900-AH46**3210. ELIGIBILITY FOR BURIAL OF DEPENDENT ADULT CHILDREN OF ELIGIBLE VETERANS; AND ELIGIBILITY FOR BURIAL OF CERTAIN FILIPINO VETERANS****Priority:** Other Significant**Legal Authority:** 38 USC 2402(5); PL 106-419**CFR Citation:** 38 CFR 1.620(c)**Legal Deadline:** None

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

veteran was a permanent resident of the U.S. and met other enabling conditions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

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

Agency Contact: Karen Barber, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AI95**3211. USE OF THE SECRETARY'S AUTHORITY AS PROVIDED BY 38 U.S.C. 2402(6)****Priority:** Other Significant**Legal Authority:** 38 USC 2402(6)**CFR Citation:** 38 CFR 1.620(d)**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is issuing a proposed rule to define individuals and groups of individuals, who are otherwise not eligible for burial in a VA national cemetery, that would be considered under the Secretary's authority in 38 U.S.C. 2402(6). These new regulations establish a consistent basis for VA to determine those individuals or groups of individuals that VA may consider for eligibility under 38 U.S.C. 2402(6).

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

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

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RIN: 2900-AJ48**OFFICE OF POLICY AND PLANNING****3212. AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS; GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 75; 38 USC 501; PL 98-502**CFR Citation:** 38 CFR 41; 38 CFR 49**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local

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

RIN: 2900-AJ62

Department of Veterans Affairs (VA)

Final Rule Stage

**VETERANS HEALTH
ADMINISTRATION****3213. PROVISION OF DRUGS AND
MEDICINES PRESCRIBED BY NON-VA
PHYSICIANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	08/00/02	

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

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

RIN: 2900-AJ24**3214. ADVANCED HEALTH CARE
PLANNING****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.32**Legal Deadline:** None

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

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

Timetable:

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

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

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

RIN: 2900-AJ28**3215. PROVISION OF DRUGS AND
MEDICINES TO CERTAIN VETERANS
IN STATE NURSING HOMES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

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

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

Timetable:

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

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

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

RIN: 2900-AJ34**3216. GRANTS TO STATES FOR
CONSTRUCTION AND ACQUISITION
OF STATE HOME FACILITIES****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.216; 38 CFR 17.222**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/26/01	66 FR 33845
Interim Final Rule Comment Period End	08/27/01	
Final Action	12/00/01	

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

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

VA

Final Rule Stage

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

Phone: 202 273-8536

RIN: 2900-AJ43

3217. PER DIEM FOR ADULT DAY HEALTH CARE OF VETERANS IN STATE HOMES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1741; 38 USC
1742; 38 USC 1743

CFR Citation: 38 CFR 51; 38 CFR 52;
38 CFR 58

Legal Deadline: None

Abstract: This document proposes to establish a new part 52 setting forth a mechanism for paying per diem to State homes providing adult day health care to eligible veterans. The intended effect of the proposed regulations is to ensure that veterans receive high quality care in State homes.

Timetable:

Action	Date	FR Cite
NPRM	06/28/00	65 FR 39835
NPRM Comment Period End	08/28/00	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: L. Nan Stout, Chief,
State Home Per Diem Program (114),
Department of Veterans Affairs,
Veterans Health Administration, 810
Vermont Avenue NW, Washington, DC
20420

Phone: 202 273-8538

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RIN: 2900-AJ74

3218. POLICY REGARDING PARTICIPATION IN NATIONAL PRACTITIONER DATA BANK

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC
1110 to 11152

CFR Citation: 38 CFR 46

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its regulations concerning the reporting of physicians, dentists, and other healthcare

practitioners to the National Practitioner Data Bank (NPDB). These regulations concern malpractice payment reporting and clinical privileges actions reporting. These amendments appear to be necessary to make the reporting process more efficient and fair and to ensure that reporting is accomplished in accordance with the statutory framework.

Timetable:

Action	Date	FR Cite
NPRM	06/05/01	66 FR 30141
NPRM Comment Period End	08/06/01	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Kathryn W.
Enchelmayer, Office of Quality and
Performance (10Q), Department of
Veterans Affairs, 810 Vermont Avenue
NW, Washington, DC 20420
Phone: 202 273-8936

RIN: 2900-AJ76

3219. COMPENSATED WORK THERAPY/TRANSITIONAL RESIDENCES PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1772

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: This rulemaking proposes to establish provisions regarding payment rates and length of stay for veterans residing in housing under VA's Compensation Work Therapy/Transitional Residences Program. These provisions are designed to ensure that veterans pay an equitable amount and stay only for the time necessary to meet the intended goals.

Timetable:

Action	Date	FR Cite
NPRM	03/06/01	66 FR 13461
NPRM Comment Period End	05/07/01	
Final Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Christine Woods,
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RIN: 2900-AK01

3220. PAYMENT OR REIMBURSEMENT FOR EMERGENCY TREATMENT FURNISHED AT NON-VA FACILITIES

Regulatory Plan: This entry is Seq. No.
113 in part II of this issue of the
Federal Register.

RIN: 2900-AK08

3221. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES

Priority: Other Significant

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

CFR Citation: 38 CFR 17.101

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/00	65 FR 65906
Interim Final Rule Comment Period End	01/02/01	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

VA

Final Rule Stage

Government Levels Affected: None

Agency Contact: David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8210
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RIN: 2900-AK39**3222. COPAYMENTS FOR INPATIENT HOSPITAL CARE AND OUTPATIENT MEDICAL CARE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1710; PL 106-117**CFR Citation:** 38 CFR 17.108; 38 CFR 17.110**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

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

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RIN: 2900-AK50**3223. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/01	66 FR 23326
Interim Final Rule	07/09/01	
Comment Period		
End		
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK73**3224. • COPAYMENTS FOR MEDICATIONS**

Regulatory Plan: This entry is Seq. No. 114 in part II of this issue of the Federal Register.

RIN: 2900-AK85**3225. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-398; PL 107-14; 38 USC 1713**CFR Citation:** 38 CFR 17.271; 38 CFR 17.272; 38 CFR 17.274**Legal Deadline:** Final, Statutory, October 1, 2001.

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

reduces the catastrophic cap for CHAMPVA dependents and survivors for each calendar year. These regulatory changes implement the statutory provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

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RIN: 2900-AK89**3226. • REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL05

VA

Final Rule Stage

**VETERANS BENEFITS
ADMINISTRATION****3227. SCHEDULE FOR RATING
DISABILITIES—THE SKIN****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.118**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20171
ANPRM Comment Period End	07/01/91	
NPRM	01/19/93	58 FR 4969
NPRM Comment Period End	03/22/93	
Final Action	12/00/01	

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

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7410

RIN: 2900-AF00**3228. REVISED DEFINITION OF NET
VALUE AND REVISED CRITERIA FOR
PRE-FORECLOSURE DEBT WAIVERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 3720(a); 38 USC 3732(a)**CFR Citation:** 38 CFR 36.4301; 38 CFR 36.4323**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is proposing to amend its loan guaranty regulations to revise the definition of property improvements for purposes of determining the net value of a foreclosed property and to clarify VA's position on pre-foreclosure debt waivers for liable veterans in cases involving transferee defaults. These changes will account for actual property appraisal procedures and will

clarify Agency policy on pre-foreclosure debt waivers. Note: Because the original Notice of Proposed Rulemaking (NPRM) was published on September 22, 1993 (58 FR 49251), VA republished the NPRM to provide for a new notice and comment period before proceeding with a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/22/93	58 FR 49251
NPRM Comment Period End	10/22/93	
Second NPRM	08/01/00	65 FR 46882
Second NPRM Comment Period End	10/02/00	
Final Action	12/00/01	

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

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

RIN: 2900-AG20**3229. VISION****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.75**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	
Final Action	12/00/01	

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

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7410

RIN: 2900-AH43**3230. INTERVERTEBRAL DISC
SYNDROME****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71(a)**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	02/24/97	62 FR 8204
NPRM Comment Period End	04/25/97	
Final Action	01/00/02	

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

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7410

RIN: 2900-AI22**3231. CLAIMS BASED ON
AGGRAVATION OF NONSERVICE-
CONNECTED DISABILITY****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.310**Legal Deadline:** None

Abstract: This document amends VA regulations concerning secondary service connection for certain disabilities. This amendment is necessary because of a recent decision by the U.S. Court of Veterans Appeals and will establish a new means by which veterans may be compensated for disabilities related to other service-connected conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/04/97	62 FR 30547
NPRM Comment Period End	08/04/97	
Final Action	12/00/01	

Regulatory Flexibility Analysis**Required:** No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 317 226-5209

RIN: 2900-AI42

3232. VETERANS EDUCATION: REPORTING AND RECORDKEEPING REQUIREMENTS AT FLIGHT SCHOOLS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 16136; 38 USC 3002; 38 USC 3034; 38 USC 3202; 38 USC 3241; 38 USC 3452; 38 USC 3471; 38 USC 5101

CFR Citation: 38 CFR 21.4235; 38 CFR 21.4263

Legal Deadline: None

Abstract: Veterans are required by statute to apply for any benefit the Department of Veterans Affairs administers. This rule will describe the information to be included in an application for educational assistance for the pursuit of flight training. VA believes that, in order to comply with various statutory requirements connected with the educational programs VA administers, flight schools with courses approved for VA training will have to keep some records beyond those required by the Federal Aviation Administration. This rule will state those recordkeeping requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/03/00	65 FR 17477
NPRM Comment Period End	06/02/00	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2900-AJ23

3233. EXCLUSIONS FROM INCOME

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 10602(c)

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 317 226-5209

RIN: 2900-AJ52

3234. ACCELERATED BENEFITS OPTION FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-368, sec 302

CFR Citation: 38 CFR 9.13

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/20/00	65 FR 44999
NPRM Comment Period End	08/18/00	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

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RIN: 2900-AJ80

3235. LOAN GUARANTY: ADVERTISING AND SOLICITATION DISCLOSURE REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 36.4227; 38 CFR 36.4365

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is proposing to change its regulations by prohibiting advertisements or solicitations from lenders that falsely state or imply that they were issued by or at the direction of VA or any other entity of the United States. This change would also provide that each written advertisement or solicitation from a private lender concerning VA-guaranteed loans include a statement indicating that the lender is a private lender and that the lender does not have an exclusive right to make loans guaranteed by VA. These provisions appear to be necessary to ensure that lenders do not provide misleading information.

Timetable:

Action	Date	FR Cite
NPRM	12/08/00	65 FR 76957
NPRM Comment Period End	02/06/01	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

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RIN: 2900-AJ86

VA

Final Rule Stage

3236. POST-TRAUMATIC STRESS DISORDER CLAIMS BASED ON PERSONAL ASSAULT**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1154**CFR Citation:** 38 CFR 3.304**Legal Deadline:** None

Abstract: This document proposes to amend the Department of Veterans Affairs (VA) adjudication regulations on the proof of stressor in claims for service connection of post-traumatic stress disorder resulting from personal assault. It provides that alternative evidence other than the veteran's military records may constitute credible supporting evidence of the stressor. It also implements decisions by the U.S. Court of Appeals for Veterans Claims, which state that VA Adjudication Procedure Manual provisions on this issue are the equivalent of regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/16/00	65 FR 61132
NPRM Comment Period End	12/15/00	
Final Action	12/00/01	

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

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

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RIN: 2900-AK00**3237. VETERANS VOCATIONAL REHABILITATION AND EDUCATION: TITLE CHANGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 512**CFR Citation:** 38 CFR 21.50; 38 CFR 21.53; 38 CFR 21.60; 38 CFR 21.68; 38 CFR 21.4250; ...**Legal Deadline:** None

Abstract: VA administers a vocational rehabilitation program that provides eligible veterans, with compensable service-connected disabilities, all service and assistance necessary to enable them to achieve maximum

independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. Due to an increased emphasis on helping these veterans obtain and maintain suitable employment, VA has decided to change the title of those employees who deal principally with this program. All appropriate rules will be changed to show that these employees deal with vocational rehabilitation and employment.

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

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

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

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RIN: 2900-AK46**3238. FILIPINO VETERANS BENEFIT IMPROVEMENTS****Priority:** Other Significant**Legal Authority:** 38 USC 107**CFR Citation:** 38 CFR 3.8; 38 CFR 3.10; 38 CFR 3.1600**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

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

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

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RIN: 2900-AK65**3239. SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1114(k); 38 USC 1155; PL 102-4**CFR Citation:** 38 CFR 3.350; 38 CFR 4.116**Legal Deadline:** None

Abstract: The Department of Veterans Affairs proposes to amend its adjudication regulations to provide for payment of special monthly compensation for a woman veteran who loses one or both breasts as a result of service-connected disability. The intended effect of this amendment is to implement legislation authorizing VA to provide this benefit.

Timetable:

Action	Date	FR Cite
NPRM	07/20/01	66 FR 37940
NPRM Comment Period End	08/20/01	
Final Action	12/00/01	

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

Agency Contact: Charles A. Graffam, Consultant, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK66

VA

Final Rule Stage

3240. DUTY TO ASSIST**Priority:** Other Significant**Legal Authority:** 38 USC 5103; 38 USC 5108**CFR Citation:** 38 CFR 3.102; 38 CFR 3.156; 38 CFR 3.159; 38 CFR 3.326**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations to implement the provisions of the Veterans Claims Assistance Act of 2000 (the VCAA), which was signed by the President on November 9, 2000. The intended effect of this regulation is to establish clear guidelines consistent with the intent of Congress regarding the timing and the scope of assistance VA will provide to a claimant who files a substantially complete application for VA benefits.

Timetable:

Action	Date	FR Cite
NPRM	04/04/01	66 FR 17834
NPRM Comment Period End	05/04/01	
Final Action	12/00/01	

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

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

Phone: 317 226-5209

RIN: 2900-AK69**3241. • EXCLUSION FROM COUNTABLE INCOME OF EXPENSES PAID FOR VETERAN'S LAST ILLNESS SUBSEQUENT TO VETERAN'S DEATH BUT PRIOR TO DATE OF DEATH PENSION ENTITLEMENT****Priority:** Other Significant**Legal Authority:** 38 USC 1503(a)(3)**CFR Citation:** 38 CFR 3.272(h)**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations governing exclusion of expenses of the veteran's last illness, burial, and just debts from countable income for death pension purposes. This amendment eliminates the prohibition against reducing countable income by the amount of

these expenses that the surviving spouse paid after the date of death but prior to the date of his or her entitlement. In order to make the necessary changes, VA is removing the last sentence of 38 CFR 3.272(h), which currently provides that the amount of expenses of the veteran's last illness, burial, and just debts "paid subsequent to death but prior to date of entitlement are not deductible."

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

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

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

Phone: 317 226-5209

RIN: 2900-AK84**3242. • CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION****Priority:** Other Significant**Legal Authority:** PL 98-542**CFR Citation:** 38 CFR 3.311(b)**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its regulations governing the establishment of service connection for polycythemia vera due to radiation exposure in service. The amendment clarifies that although VA does not consider polycythemia vera to be a "radiogenic disease" under the regulations, a veteran is not precluded from claiming service connection for this condition on a direct-incurrence basis due to exposure to ionizing radiation in service. VA historically treated the list of radiogenic diseases in 38 CFR 3.311 as an exclusive list of generally denied service connection for any disease not on the list. However, the U.S. Court of Appeals for the Federal Circuit in *Combee v. Brown*, 34 F.3d 1039 (Fed. Cir. 1994), held that Public Law 98-542 did not authorize VA to establish entitlement to direct service connection under section 3.311. VA is showing polycythemia vera may be induced by

exposure to ionizing radiation. VA will obtain dose estimates, forward the claim for review by the Under Secretary for Benefits, and request an advisory medical opinion from the Under Secretary for Health under the provisions of section 3.311.

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

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

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

Phone: 317 226-5209

RIN: 2900-AK87**3243. • RECOUPMENT OF NONDISABILITY SEVERANCE PAY FROM VA COMPENSATION****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.700**Legal Deadline:** None

Abstract: The Department of Veterans Affairs amends its adjudication regulation governing recoupment of military nondisability severance pay for service-connected disability compensation by deleting an erroneous statement that there is no prohibition against payment of disability compensation where the veterans received nondisability severance pay.

Timetable:

Action	Date	FR Cite
Final Action	04/00/02	

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

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

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RIN: 2900-AK95

VA

Final Rule Stage

3244. • CERTIFICATION FOR ELIGIBILITY FOR ADAPTIVE EQUIPMENT FOR AUTOMOBILES OR OTHER CONVEYANCES**Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.808**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) amends its adjudication regulations concerning the criteria for certification for eligibility for financial assistance for adaptive equipment for automobiles or other conveyances by updating cross-references to pertinent medical regulations that have been recodified.

Timetable:

Action	Date	FR Cite
Final Action	04/00/02	

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

Agency Contact: Randy A. McKeivitt, Consultant, C&P Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK96**3245. • EXTENSION OF THE PRESUMPTIVE PERIOD FOR COMPENSATION FOR GULF WAR VETERANS' UNDIAGNOSED ILLNESSES****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.317**Legal Deadline:** None

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

Timetable:

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

Action	Date	FR Cite
Interim Final Rule Comment Period End	01/08/02	
Final Action	04/00/02	

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

Agency Contact: Randy A. McKeivitt, Consultant, C&P Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK98**3246. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 16131**CFR Citation:** 38 CFR 21.7636**Legal Deadline:** None

Abstract: By statute, the monthly rates of basic educational assistance payable to reservists under the Montgomery GI Bill-Selected Reserve must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of educational assistance payable under the Montgomery GI Bill-Selected Reserve for fiscal year 2002 will be changed to show a 3.4 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Action	01/00/02	

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

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK99**3247. • INCREASE IN RATES PAYABLE UNDER THE DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3532; 38 USC 3564; 38 USC 3687**CFR Citation:** 38 CFR 21.3045; 38 CFR 21.3131; 38 CFR 21.3300; 38 CFR 21.3333**Legal Deadline:** None

Abstract: By statute, the monthly rates of basic educational assistance payable under the Survivors' and Dependents' Educational Assistance Program must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of educational assistance payable under Survivors' and Dependents' Educational Assistance for fiscal year 2002 are changed to show a 3.4 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Action	01/00/02	

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

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL00**3248. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3015**CFR Citation:** 38 CFR 21.7136 to 21.7137**Legal Deadline:** None

Abstract: By statute, the monthly rates of basic educational assistance payable to veterans under the Montgomery GI Bill-Active Duty must be adjusted each fiscal year. In accordance with statutory formula, the regulations governing rates

VA

Final Rule Stage

of basic educational assistance payable under the Montgomery GI Bill-Active Duty for fiscal year 2002 will be changed to show a 3.4 percent increase.

Timetable:

Action	Date	FR Cite
Final Action	02/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL01

3249. • INCREASE IN RATES PAYABLE UNDER THE EDUCATIONAL ASSISTANCE TEST PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2143 to 2145

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	02/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL02

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

3250. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SIMPLIFIED ACQUISITION PROCEDURES FOR HEALTH CARE RESOURCES

Priority: Info./Admin./Other

Legal Authority: 38 USC 8153

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/09/98	63 FR 60256
NPRM Comment Period End	01/08/99	
Second NPRM	06/07/01	66 FR 30659
Second NPRM Comment Period End	08/06/01	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AI71

3251. SEALED BIDDING AND COMPETITIVE PROPOSALS

Priority: Info./Admin./Other

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

CFR Citation: 48 CFR 806

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/11/98	63 FR 11865
NPRM Comment Period End	05/11/98	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

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: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AI99

VA

Final Rule Stage

3252. VETERANS AFFAIRS ACQUISITION REGULATION: REVISIONS TO VA ACQUISITION REGULATIONS PARTS 801 THROUGH 805**Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 801 to 805; 48 CFR 842; 48 CFR 849; 48 CFR 852**Legal Deadline:** None

Abstract: This rulemaking action would amend the Department of Veterans Affairs Acquisition Regulation to update position titles, to make minor grammatical corrections and revisions, to revise and update section numbers and titles and to relocate material to correspond to the Federal Acquisition Regulation, to remove obsolete or duplicative material, to make plain language revisions, and to delegate authority. In addition, the rule would update material regarding various internal VA administrative programs such as the VA's acquisition review, contracting officer's certification, and head of the contracting activity programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

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

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK75**BOARD OF VETERANS APPEALS****3253. BOARD OF VETERANS APPEALS—RULES OF PRACTICE—ATTORNEY FEE MATTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5902; 38 USC 5904; 38 USC 5905**CFR Citation:** 38 CFR 20.3; 38 CFR 20.609; 38 CFR 20.610**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/09/97	62 FR 64790
NPRM Comment	02/09/98	
Period End		
Final Action	04/00/02	

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

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

RIN: 2900-AI98**3254. DELEGATIONS OF AUTHORITY—APPEALS REGULATIONS AND RULES OF PRACTICE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501(a); 38 USC 512; 38 USC 7101(a); 38 USC 7102; 38 USC 7104**CFR Citation:** 38 CFR 19.2; 38 CFR 19.14; 38 CFR 20.102; 38 CFR 20.606(d)**Legal Deadline:** None

Abstract: The Board of Veterans Appeals is amending its Appeals Regulation and Rules of Practice to update the delegations of authority to Members of the Board and to include the definition of "Chief Members" to whom some authority is delegated.

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

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

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

Phone: 202 565-5978

RIN: 2900-AJ66**3255. NOTICE OF APPEAL IN SIMULTANEOUSLY CONTESTED CLAIMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 19.192; 38 CFR 20.502**Legal Deadline:** None

Abstract: The Board of Veterans Appeals is amending its Appeals Regulation and a Rule of Practice concerning simultaneously contested claims to make them more consistent with an authorizing statute and with each other. The statutory provision is currently implemented in two regulations. 38 U.S.C. 7105A(b) provides that when one contesting party files his or her "formal appeal" the "substance" of the formal appeal will be communicated to the other contesting parties who then have 30 days to file an answering brief or argument.

Timetable:

Action	Date	FR Cite
NPRM	10/01/99	64 FR 53302
NPRM Comment	11/30/99	
Period End		
Final Action	12/00/01	

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

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

Phone: 202 565-5978

RIN: 2900-AJ73

3256. THE BOARD OF VETERANS APPEAL; RULES OF PRACTICE— MOTION FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR: CONTENT OF RECORD; ADVANCEMENT ON THE DOCKET

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 2900-AJ85

3257. APPEAL REGULATIONS, RULES OF PRACTICE: USE OF SUPPLEMENTAL STATEMENT OF THE CASE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7105(d)

CFR Citation: 38 CFR 19.31; 38 CFR 20.302(c); 38 CFR 20.501(c)

Legal Deadline: None

Abstract: The Board of Veterans’ Appeals is amending its appeals regulations and Rules of Practice to clarify that a “Supplemental Statement of the Case” (SSOC) is to be used only to inform an appellant of material changes in, or additions to, the information included in the Statement of the Case (SOC) or a prior SSOC. The

prior rule permitted new issues to be added to the SOC, resulting in confusion for appellants, regional offices, and the Board as to what issues were actually on appeal. Since 1966, the manual provisions governing the regional office have prohibited using an SSOC to reply to new issues. This rule will conform the Board’s rules with agency practice.

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AK33

3258. RULES OF PRACTICE: MEDICAL OPINIONS FROM THE VETERANS HEALTH ADMINISTRATION

Priority: Substantive, Nonsignificant

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

CFR Citation: 38 CFR 20.901(a)

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/23/01	66 FR 38158
Interim Final Rule Effective	07/23/01	
Interim Final Rule Comment Period End	09/21/01	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 2900-AK52

3259. APPEALS REGULATIONS: TITLE FOR MEMBERS OF THE BOARD OF VETERANS APPEALS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 512; 38 USC 7101(a)

CFR Citation: 38 CFR 19.2

Legal Deadline: None

Abstract: The Board of Veterans’ Appeals proposes to amend its appeals regulations to provide that a Member of the Board of Veterans’ Appeals (Board) may also be known as a “Veteran Law Judge.” This duplicates, in proposed rule format, a final rule previously published in the Federal Register on September 14, 2000 (65 FR 55461). Individuals deciding appeals in other parts of the Federal Government are typically known as “judges”; e.g., “administrative law judges” and “administrative judges.” Giving Board Members the title of “veteran law judges” would provide a more accurate title than “member” and would enhance confidence in the system through recognition that appeals are being adjudicated by legal professionals.

Timetable:

Action	Date	FR Cite
NPRM	03/06/01	66 FR 13463
NPRM Comment Period End	05/07/01	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 2900-AK62

VA

Final Rule Stage

3260. BOARD OF VETERANS APPEALS: RULES OF PRACTICE—EFFECT OF PROCEDURAL DEFECTS IN MOTIONS FOR REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7111; PL 105-111

CFR Citation: 38 CFR 20.1404(b); 38 CFR 20.1409(b)

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/10/01	66 FR 35902
Interim Final Rule Comment Period End	09/10/01	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AK74

3261. ● BOARD OF VETERANS' APPEALS: OBTAINING EVIDENCE AND CURING PROCEDURAL DEFECTS WITHOUT REMANDING

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7102; 38 USC 7103(c); 38 USC 7104(a); 38 USC 7105(d); 38 USC 7109(c); ...

CFR Citation: 38 CFR 19.31; 38 CFR 20.903; 38 CFR 20.1304

Legal Deadline: None

Abstract: These proposed changes will permit the Board of Veterans' Appeals

to obtain evidence, clarify the evidence, cure a procedural defect, or perform any other action essential for a proper appellate decision in any appeal properly before it without having to remand the appeal to the agency of original jurisdiction. This will also allow the Board to consider additional evidence without having to refer the evidence to the agency of original jurisdiction for initial consideration and without having to obtain the appellant's waiver. By reducing the number of appeals remanded, VA intends to shorten appeal processing time and to reduce the backlog of claims awaiting decision.

Timetable:

Action	Date	FR Cite
NPRM	08/06/01	66 FR 40942
NPRM Comment Period End	09/05/01	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AK91

NATIONAL CEMETERY SYSTEM

3262. INTERMENT OR MEMORIALIZATION IN VA NATIONAL CEMETERIES AND CERTAIN STATE CEMETERIES—FEDERAL OR STATE CAPITAL CRIME

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 2411; PL 105-116

CFR Citation: 38 CFR 1; 38 CFR 39

Legal Deadline: None

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

by a State of a VA grant to the State for veteran's cemetery regarding such interments or memorializations.

Timetable:

Action	Date	FR Cite
NPRM	07/21/00	65 FR 45332
NPRM Comment Period End	09/19/00	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

3263. DELEGATION OF AUTHORITY—DECISIONMAKING REGARDING DISCRIMINATION

Priority: Info./Admin./Other

Legal Authority: 5 USC 553

CFR Citation: 38 CFR 2

Legal Deadline: None

Abstract: This document delegates to certain Department of Veterans Affairs officials authority to make final Agency decisions regarding the procedural acceptability of equal employment opportunity discrimination complaints. It also delegates authority to those officials to make final Agency decisions which determine whether a breach of an equal employment opportunity complaint settlement agreement has occurred.

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James S. Jones, Deputy Assistant Secretary for Resolution Management (08), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

VA

Final Rule Stage

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RIN: 2900-AJ63

3264. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; HANDICAP; AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL ASSISTANCE

Priority: Substantive, Nonsignificant
Legal Authority: 29 USC 794; 42 USC 2000d-1; 42 USC 6101
CFR Citation: 38 CFR 18
Legal Deadline: None

Abstract: The Department of Justice, pursuant to Executive Order 12250, is requesting that Federal agencies with title VI, section 504, and Age Discrimination Act regulations jointly issue amendments to their regulations to incorporate the Civil Rights Restoration Act of 1987 revisions.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tyrone Eddins, External Affairs Manager, Office of Resolution Management (08), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 501-2801
Fax: 202 501-2885

RIN: 2900-AK13

OFFICE OF THE GENERAL COUNSEL

3265. RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS RECORDS

Priority: Other Significant
Legal Authority: 5 USC 552; 5 USC 552a; 38 USC 5701
CFR Citation: 38 CFR 1.500 to 1.584
Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/10/98	63 FR 48455
NPRM Comment Period End	11/09/98	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Phone: 202 273-6381

RIN: 2900-AH98

3266. RECOGNITION OF ORGANIZATIONS AND ACCREDITATION OF REPRESENTATIVES

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 301; 38 USC 501(a); 38 USC 5901 to 5905
CFR Citation: 38 CFR 14.626 to 14.635
Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

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

RIN: 2900-AI93

Department of Veterans Affairs (VA)

Long-Term Actions

VETERANS HEALTH ADMINISTRATION

3267. PROTECTION OF HUMAN SUBJECTS

Priority: Substantive, Nonsignificant
CFR Citation: 38 CFR 16

Timetable: Next Action Undetermined
Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Judy Williams
Phone: 202 273-8284

RIN: 2900-AJ08

3268. WAIVERS

Priority: Substantive, Nonsignificant
CFR Citation: 38 CFR 17.105

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

VA

Long-Term Actions

Agency Contact: Nancy Howard
Phone: 202 273-8198
Fax: 202 273-4897
Email: nancy.howard@hq.med.va.gov
RIN: 2900-AK29

3269. LOAN GUARANTY: MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17.1000 to 17.1020

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Theresa Hayes
Phone: 202 273-8445

RIN: 2900-AK58

VETERANS BENEFITS ADMINISTRATION

3270. AMENDMENTS TO TRAINING AND REHABILITATION PROGRAMS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.40; 38 CFR 21.6420; 38 CFR 21.6501; 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6507; 38 CFR 21.6523; 38 CFR 21.260; 38 CFR 21.6005; 38 CFR 21.6042; 38 CFR 21.6050; 38 CFR 21.6052; 38 CFR 21.6054; 38 CFR 21.6056; 38 CFR 21.6058; ...

Timetable:

Action	Date	FR Cite
Final Action	10/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Graffam
Phone: 202 273-7410
TDD Phone: 202 275-5636

RIN: 2900-AG00

3271. LOAN GUARANTY: REVISION TO VA WORK RULES FOR CREDIT SCORED LOANS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 36.4346; 38 CFR 3702(c)(1)

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Richard Fyne
Phone: 202 273-7380

RIN: 2900-AJ91

3272. LOAN GUARANTY: CREDIT STANDARDS REVISION

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 36.4337

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Finneran
Phone: 202 273-7369
Fax: 202 273-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900-AJ92

3273. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND REQUIREMENT FOR DRUG-FREE WORKPLACE (ASSISTANCE)

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 44; 38 CFR 48

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Robert Finneran
Phone: 202 273-7369
Fax: 202 273-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900-AK16

3274. • PLAIN LANGUAGE (READER FOCUSED WRITING) INITIATIVE; NATIONAL SERVICE LIFE INSURANCE (NSLI)

Priority: Substantive, Nonsignificant

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

CFR Citation: 38 CFR 8.3 to 8.11

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	10/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Senior Attorney/Insurance Specialist, Insurance Program Administration & Oversight, Department of Veterans Affairs, P.O. Box 13399, Philadelphia, PA 19101
Phone: 215 842-2000
Fax: 215 381-3502
Email: issghosm@vba.va.gov

RIN: 2900-AL09

BOARD OF VETERANS APPEALS

3275. APPEALS REGULATIONS; RULES OF PRACTICE

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 19.3 (Revision); 38 CFR 20.609 (Revision); 38 CFR 20.903 (Revision); 38 CFR 20.1000; 38 CFR 20.1001; 38 CFR 20.1002; 38 CFR 20.1100 (Revision); 38 CFR 19.10; 38 CFR 19.15 (Revision); 38 CFR 19.39; 38 CFR 20.3; 38 CFR 20.101 (Revision); 38 CFR 20.102 (Revision); 38 CFR 20.201 (Revision); 38 CFR 20.605 (Revision); ...

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 2900-AE78

VA

Long-Term Actions

3276. RULES OF PRACTICE; HEARINGS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 20.702; 38 CFR 2.1; 38 CFR 19.75; 38 CFR 20.703; 38 CFR 20.704; 38 CFR 20.707; 38 CFR 20.711; 38 CFR 20.714; 38 CFR 20.716; 38 CFR 20.717; 38 CFR 20.1003**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Steven L. Keller

Phone: 202 565-5978

RIN: 2900-AG07**3277. RULES OF PRACTICE: MEDICAL OPINIONS; APPEAL PROCESSING AND SUBMISSION OF ADDITIONAL EVIDENCE****Priority:** Other Significant**CFR Citation:** 38 CFR 19.36; 38 CFR 20.800; 38 CFR 20.801; 38 CFR 20.802; 38 CFR 20.901; 38 CFR 20.1304**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

Phone: 202 565-5978

RIN: 2900-AG90**OFFICE OF THE ASSISTANT SECRETARY FOR ACQUISITION AND FACILITIES****3278. OPERATION OF CHILD CARE CENTERS AT VA FACILITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17**Timetable:**

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

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

Phone: 410 605-7388

RIN: 2900-AD48

Department of Veterans Affairs (VA)

Completed Actions

3279. DELEGATION OF AUTHORITY—LOAN GUARANTY FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS**Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 17.1000-1010**Completed:**

Reason	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Theresa Hayes

Phone: 202 273-8445

RIN: 2900-AK51**3280. PROVISION OF HOSPITAL AND OUTPATIENT CARE TO VETERANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.36**Completed:**

Reason	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Walter Besecker

Phone: 202 273-8934

RIN: 2900-AK53**3281. MEDICAL BENEFITS PACKAGE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.36; 38 CFR 17.38**Completed:**

Reason	Date	FR Cite
Merged with 2900-AK32	06/26/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Marsha Goodwin

Phone: 202 273-8540

RIN: 2900-AK55**3282. LOAN GUARANTY: TITLE EVIDENCE REQUIREMENTS AND OCCUPANCY REQUIREMENTS FOR CONVEYANCE OF PROPERTIES TO VA****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4320**Completed:**

Reason	Date	FR Cite
Withdrawn	05/10/01	66 FR 23873

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Richard Fyne

Phone: 202 273-7380

RIN: 2900-AE20**3283. 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**Completed:**

Reason	Date	FR Cite
Withdrawn	05/10/01	66 FR 23873

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Richard Fyne

Phone: 202 273-7380

RIN: 2900-AE60**3284. CERTIFICATION EVIDENCE FOR PROOF OF SERVICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.203

VA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	04/18/01	66 FR 19857

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Bill Russo

Phone: 202 273-7211

Fax: 202 275-1728

Email: capbruss@vba.va.gov

RIN: 2900-AJ55

3285. REVIEW OF BENEFIT CLAIMS DECISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.105; 38 CFR 3.2100; 38 CFR 3.2600

Completed:

Reason	Date	FR Cite
Final Action	05/02/01	66 FR 21871
Final Action Effective	06/01/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Bill Russo

Phone: 202 273-7211

Fax: 202 275-1728

Email: capbruss@vba.va.gov

RIN: 2900-AJ99

3286. REVISED DEFINITION OF A PROGRAM OF EDUCATION UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.7020; 38 CFR 21.7050; 38 CFR 21.7131

Completed:

Reason	Date	FR Cite
Final Action	07/30/01	66 FR 39279

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: William G. Susling

Phone: 202 273-7187

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Email: edubsusl@vba.va.gov

RIN: 2900-AK06

3287. SIGNATURE BY MARK

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3; 38 CFR 3.113

Completed:

Reason	Date	FR Cite
Final Action	04/06/01	66 FR 18194

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John Bisset

Phone: 202 273-7210

RIN: 2900-AK07

3288. SCHEDULE FOR RATING DISABILITIES: DISABILITIES OF THE LIVER

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 4.114

Completed:

Reason	Date	FR Cite
Final Action	05/31/01	66 FR 29486
Final Action Effective	07/02/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Charles A. Graffam

Phone: 202 273-7410

RIN: 2900-AK12

3289. WRITTEN AND ORAL INFORMATION ON STATEMENTS AFFECTING ENTITLEMENT TO BENEFITS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.103

Completed:

Reason	Date	FR Cite
NPRM	04/20/01	66 FR 20220
Final Action	11/09/01	66 FR 56613
Final Action Effective	12/10/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Donald England

Phone: 202 273-7211

RIN: 2900-AK25

3290. ACCEPTABLE EVIDENCE OF MARRIAGE

Priority: Info./Admin./Other

CFR Citation: 38 CFR 3.205

Completed:

Reason	Date	FR Cite
Merged With 2900-AK26	10/18/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John Bisset

Phone: 202 273-7210

RIN: 2900-AK30

3291. ACCEPTABLE EVIDENCE OF DIVORCE

Priority: Info./Admin./Other

CFR Citation: 38 CFR 3.206

Completed:

Reason	Date	FR Cite
Merged With 2900-AK26	10/18/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John Bisset

Phone: 202 273-7210

RIN: 2900-AK34

3292. ACCEPTABLE EVIDENCE OF BIRTH

Priority: Info./Admin./Other

CFR Citation: 38 CFR 3.209

Completed:

Reason	Date	FR Cite
Merged With 2900-AK26	10/18/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John Bisset

Phone: 202 273-7210

RIN: 2900-AK36

3293. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.7636

Completed:

Reason	Date	FR Cite
Final Action	07/26/01	66 FR 38936

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: William G. Susling

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AK40

VA

Completed Actions

3294. VETERANS EDUCATION: INCREASED ALLOWANCE FOR THE EDUCATIONAL TEST PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.5820; 38 CFR 21.5822**Completed:**

Reason	Date	FR Cite
Final Action	06/14/01	66 FR 32225

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** William G. Susling

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AK41**3295. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7136; 38 CFR 21.7137**Completed:**

Reason	Date	FR Cite
Final Action	06/14/01	66 FR 32226

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** William G. Susling

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Email: edubsusl@vba.va.gov

RIN: 2900-AK44**3296. END OF THE SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.4131; 38 CFR 21.4135; 38 CFR 21.4800; 38 CFR 21.4802; 38 CFR 21.4810; ...**Completed:**

Reason	Date	FR Cite
Final Action	07/26/01	66 FR 38938

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** William G. Susling

Phone: 202 273-7187

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RIN: 2900-AK45**3297. ACCEPTABLE EVIDENCE OF CHILD'S RELATIONSHIP****Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 3.210**Completed:**

Reason	Date	FR Cite
Merged With 2900-AK26	10/18/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** John Bisset

Phone: 202 273-7210

RIN: 2900-AK47**3298. ACCEPTABLE EVIDENCE OF DEATH****Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 3.211**Completed:**

Reason	Date	FR Cite
Merged With 2900-AK26	10/18/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** John Bisset

Phone: 202 273-7210

RIN: 2900-AK48**3299. U.S. FLAGS FOR BURIALS OF CERTAIN MEMBERS OF THE SELECTED RESERVE****Priority:** Other Significant**CFR Citation:** 38 CFR 1.10**Completed:**

Reason	Date	FR Cite
Final Action	05/18/01	66 FR 27598

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Diane Fuller

Phone: 202 273-7598

RIN: 2900-AK56**3300. DISEASE ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS: TYPE 2 DIABETES****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 38 CFR 3.309(e)**Completed:**

Reason	Date	FR Cite
Final Action	05/08/01	66 FR 23166
Final Action Effective	07/09/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Bill Russo

Phone: 202 273-7211

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Email: capbruss@vba.va.gov

RIN: 2900-AK63**3301. VETERANS BENEFITS AND HEALTH CARE IMPROVEMENT ACT OF 2000****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.6; 38 CFR 3.353; 38 CFR 3.557; 38 CFR 3.558; 38 CFR 3.1604**Completed:**

Reason	Date	FR Cite
Final Action	09/21/01	66 FR 48558
Final Action Effective	11/01/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Robert M. White

Phone: 202 273-7228

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Email: capbwhit@vba.va.gov

RIN: 2900-AK68**3302. DELEGATION OF AUTHORITY—PORTFOLIO LOAN SERVICING CONTRACTOR****Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 36.4342**Completed:**

Reason	Date	FR Cite
Final Action	06/14/01	66 FR 32230

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Robert Finneran

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Fax: 202 273-3523

VA

Completed Actions

Email: lgyrfinn@vba.va.gov

RIN: 2900-AK72

**3303. VETERANS EDUCATION:
TOPPING UP TUITION ASSISTANCE**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21

Completed:

Reason	Date	FR Cite
Merged With 2900-AK80	07/30/01	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: William G. Susling

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RIN: 2900-AK79

**3304. BOARD OF VETERANS
APPEALS: RULES OF PRACTICE—
SUBPOENAS**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.711

Completed:

Reason	Date	FR Cite
Final Action	09/28/01	66 FR 49538
Final Action Effective	10/29/01	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller

Phone: 202 565-5978

RIN: 2900-AJ58

**3305. NOTIFICATION OF
REPRESENTATIVES IN CONNECTION
WITH MOTIONS FOR REVISION OF
DECISIONS ON GROUNDS OF CLEAR
AND UNMISTAKABLE ERROR**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.1405

Completed:

Reason	Date	FR Cite
Final Action	07/17/01	66 FR 31750

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller

Phone: 202 565-5978

RIN: 2900-AJ75

**3306. RULES OF PRACTICE;
JURISDICTION**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.101; 38 CFR
20.203**Completed:**

Reason	Date	FR Cite
NPRM	04/04/01	66 FR 17840
Final Action	10/22/01	66 FR 53339
Final Action Effective	11/21/01	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller

Phone: 202 565-5978

RIN: 2900-AJ97

**3307. BOARD OF VETERANS
APPEALS: RULES OF PRACTICE—
TIME FOR FILING SUBSTANTIVE
APPEAL**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.302(b); 38
CFR 30.304**Completed:**

Reason	Date	FR Cite
Final Action	10/03/01	66 FR 50318

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller

Phone: 202 565-5978

RIN: 2900-AK54

[FR Doc. 01-25309 Filed 11-30-01; 8:45 am]

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