



Federal Register

**Monday,
December 22, 2003**

Part XVII

**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 in the fall 2003. 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, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Gloria Armstrong at (202) 273-9515.

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, VA's most important significant regulatory action is included in The Regulatory Plan.

William A. Moorman,
Assistant to the Secretary, Office of Regulation Policy and Management.

Department of Veterans Affairs—Proposed Rule Stage

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3054	Annual Risk Allowance for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance	2900—AL56
3055	Loan Guaranty: Assistance to Certain Disabled Veterans in Acquiring Specially Adapted Housing	2900—AL58
3056	Compensation for Certain Cases of Bilateral Deafness	2900—AL59
3057	Loan Guaranty; Loan Servicing and Claims Procedures Modification	2900—AL65
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3059	Presumptions of Service Connection	2900—AL70
3060	Adjudication: Accrued Benefits and Death Compensation Benefits	2900—AL71
3061	Burial Benefits	2900—AL72
3062	New and Material Evidence	2900—AL73
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3065	Claims Based on Service in the Philippine Armed Forces	2900—AL76
3066	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite	2900—AK78
3067	Board of Veterans' Appeals: Obtaining Evidence and Curing Procedural Defects	2900—AL77
3068	Standards for Collection, Compromise, Suspension, or Termination of Collection Effort, and Referral of Civil Claims for Money or Property; Regional Office Committees on Waivers and Compromises; Salary	2900—AK10
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Department of Veterans Affairs—Final Rule Stage

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Department of Veterans Affairs—Final Rule Stage (Continued)

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3094	Schedule for Rating Disabilities; Evaluation of Multiple Scars	2900—AL32
3095	Testimony Certified or Under Oath	2900—AL38
3096	Administration of VA Education Benefits—Centralized Certification	2900—AL43
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3102	Rules of Practice: Medical Opinions From the Veterans Health Administration	2900—AK52
3103	Board of Veterans' Appeals Rules of Practice: Notice Procedures Relating to Withdrawal of Services by a Representative	2900—AL45
3104	State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries	2900—AH46
3105	Eligibility for a Headstone or Marker for Graves Already Marked at Private Expense; Applications for Headstone and Marker	2900—AL40

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Department of Veterans Affairs—Completed Actions

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3107	Copayments for Inpatient Hospital Care Under Geographic Means Test	2900—AL35
3108	Exclusions From Income and Net Worth Computations	2900—AJ52
3109	Schedule for Rating Disability—The Spine	2900—AJ60
3110	Veterans Education: Additional Opportunity To Participate in the Montgomery GI Bill and Other Miscellaneous Issues	2900—AK81
3111	Schedule for Rating Disabilities; Evaluation of Tinnitus	2900—AK86

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Department of Veterans Affairs—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
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3115	Independent Study Approved for Certificate Programs and Other Miscellaneous Issues	2900—AL34
3116	Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War	2900—AL36
3117	Effective Dates of Benefits for Disability or Death Caused by Herbicide Exposure; Disposition of Unpaid Benefits After Death of Beneficiary	2900—AL37
3118	Increase in Rates Payable Under the Montgomery GI Bill—Selective Reserve	2900—AL41
3119	Headstone and Marker Inscription	2900—AL50
3120	Veterans Education: Increased Allowances for the Educational Assistance Test Program	2900—AL52
3121	Disease Associated With Exposure to Certain Herbicide Agents: Chronic Lymphocytic Leukemia	2900—AL55
3122	Compensation and Pension Provisions of the Veterans Benefits Act of 2002	2900—AL62
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3124	Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans	2900—AL08
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3126	Nondiscrimination on the Basis of Race, Color, or National Origin; Handicap; and Age in Programs and Activities Receiving Federal Assistance	2900—AK13
3127	Release of Information From Department of Veterans Affairs Records	2900—AH98
3128	Delegations of Authority; Office of Regulatory Policy and Management (ORPM)	2900—AL61
3129	Privacy Act of 1974—Exemption of Police and Security Records	2900—AL33

Department of Veterans Affairs (VA)

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VETERANS HEALTH ADMINISTRATION

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RIN: 2900—AK29

Action	Date	FR Cite
NPRM Comment Period End	11/03/03	
Final Action	01/00/04	

3043. WAIVERS

Priority: Substantive, Nonsignificant
Legal Authority: 38 USC 1722A; PL 106—117
CFR Citation: 38 CFR 17.105
Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Nancy Howard, Senior Program Analyst (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 254—0320

3044. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES; 2003 METHODOLOGY CHANGES

Priority: Other Significant. Major under 5 USC 801.

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

CFR Citation: 38 CFR 17.101

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/02/03	68 FR 56876

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Cleaver, Chief Business Office (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 254—0361

RIN: 2900—AL06

3045. COPAYMENTS FOR EXTENDED CARE SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1710B

CFR Citation: 38 CFR 17.111

Legal Deadline: None

Abstract: This document proposes to amend VA's medical regulations concerning copayments for extended care services provided or furnished by VA to veterans for nonservice—

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Proposed Rule Stage

connected disabilities. This document amends the regulations to enhance the spousal protection provisions covering assets. This change would bring VA closer to State medical assistance policies in protecting spouses from potential impoverishment.

Timetable:

Action	Date	FR Cite
NPRM	10/16/03	68 FR 54557
NPRM Comment Period End	12/15/03	
Final Action	04/00/04	

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

Agency Contact: Donna Canada, Chief Business Office (161), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254—0321
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Daniel Schoeps, Geriatrics and Extended Care (114), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—8540

RIN: 2900—AL49**3046. • CLARIFICATION OF PATIENTS RIGHTS REGARDING WHO MAY PRESCRIBE MEDICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.33**Legal Deadline:** None

Abstract: This document proposes to amend the Department of Veterans Affairs' medical regulations that set forth patients' rights to clarify that it is legally permissible for VA patients to receive medication prescribed by any health care professional legally authorized to prescribe medication.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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

Agency Contact: Audrey Crenshaw Drake, Program Director Nursing (108),

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

Phone: 202 565—6740

Email: audrey.drake@mail.va

RIN: 2900—AL66**VETERANS BENEFITS ADMINISTRATION****3047. 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	04/00/04	

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

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—7211

RIN: 2900—AF23**3048. 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	10/00/04	

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

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—7211

RIN: 2900—AF24**3049. 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 proposed rule amendment will bring VA's educational assistance regulations into agreement with the Veterans Program Enhancement Act of 1998 and Veterans Education and Expansion Act of 2001. This amendment will include 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. This rule is being amended to reflect additional work study opportunities provided under the Veterans Education and Benefits Expansion Act of 2001.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department

VA

Proposed Rule Stage

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RIN: 2900—AJ68

3050. VETERANS AND DEPENDENTS EDUCATION: TOPPING—UP TUITION ASSISTANCE; LICENSING AND CERTIFICATION TESTS; DUTY TO ASSIST EDUCATION CLAIMANTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3014; 38 USC 3015; 38 USC 3034; 38 USC 3241; 38 USC 3471; 38 USC 3513; 38 USC 3501

CFR Citation: 38 CFR 21.1029 to 21.1033; 38 CFR 21.4005; 38 CFR 21.4008; 38 CFR 21.4009; 38 CFR 21.4146

Legal Deadline: None

Abstract: Regulations implementing provisions of the Veterans Benefits and Health Care Improvement Act of 2000, Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and the Veterans Claims Assistance Act of 2000 that affect VA education benefits programs. These provisions include payment under Survivors' and Dependents' Educational Assistance Program, Post—Vietnam Era Veterans Educational Assistance Program, and the Montgomery GI Bill—Active Duty Program for the costs of taking tests needed to obtain a license or certification. They also include payment of benefits under the Montgomery GI Bill—Active Duty Program of the difference between the portion of tuition and fees covered by the tuition assistance program administered by the various military departments and the actual charges made by an educational institution. The proposed rule also establishes clear guidelines consistent with the intent of Congress regarding the timing and scope of assistance VA will provide to a claimant who files a substantially complete application for benefits under any of the education programs VA administers or who tries to reopen a previously denied claim.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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—AK80

3051. SCHEDULE FOR RATING DISABILITIES; MALIGNANT NEOPLASMS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4

Legal Deadline: None

Abstract: This amendment would raise the criteria for evaluating malignant neoplasms throughout the rating schedule in order to assure that they reflect the effect of current treatment methods to ensure that veterans with malignant neoplasms receive fair and consistent evaluations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273—7211

RIN: 2900—AL27

3052. SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM ELIGIBILITY PERIOD FOR ELIGIBLE CHILDREN AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101; 38 USC 3002; 38 USC 3501; 38 USC 3512; 38 USC 5113

CFR Citation: 38 CFR 21.3041; 38 CFR 21.4151; 38 CFR 21.5021

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to amend its education regulations to reflect changes in the eligibility period for children due to statutory provisions in Veterans Benefits and Health Care Improvement Act of 2000 and the Veterans Benefits and Expansion Acts of 2001 and 2002.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900—AL44

3053. LOAN GUARANTY: HYBRID ADJUSTABLE RATE MORTGAGES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 3703(c)(1)

CFR Citation: 38 CFR 36.4212; 38 CFR 36.4254; 38 CFR 36.4311; 38 CFR 36.4312

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its loan guaranty regulations to implement sections 303 and 308 of Public Law No. 107—330, the Veterans Benefits Act of 2002. VA is incorporating into the regulations the following changes: The addition of hybrid adjustable rate mortgages that will allow VA to guarantee loans with interest rates that remain fixed for a period of not less than the first 3 years of the loan after which the rate can be adjusted annually and an increase in the fee paid for assuming a VA guaranteed loan from .50 percent to 1.00 percent of the loan amount.

Timetable:

Action	Date	FR Cite
NPRM	10/09/03	68 FR 58293
NPRM Comment Period End	11/10/03	
Final Action	04/00/04	

VA

Proposed Rule Stage

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

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RIN: 2900—AL54

3054. ANNUAL RISK ALLOWANCE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1965 to 1980**CFR Citation:** 38 CFR 9.15 (new)**Legal Deadline:** None

Abstract: This document proposes to amend the Department of Veterans Affairs regulations relating to Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) to establish a method to determine the amount of the annual risk allowance that is to be paid to the insurance company or companies for administering the SGLI/VGLI programs. It also will serve to inform the public that a profit component is being introduced for the first time as a part of the basic cost of program administration.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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

Agency Contact: Jeanne King, Insurance Specialist, Department of Veterans Affairs, VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA 19101
Phone: 215 842—2000
Fax: 215 381—3502
Email: issjking@vba.va.gov

RIN: 2900—AL56
3055. LOAN GUARANTY: ASSISTANCE TO CERTAIN DISABLED VETERANS IN ACQUIRING SPECIALLY ADAPTED HOUSING
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 2101**CFR Citation:** 38 CFR 36.4400**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is proposing to amend its loan guaranty regulations concerning assistance to certain disabled veterans in acquiring specially adapted housing. The primary intent is to revise these regulations to improve clarity to the reader. Additional changes are made to incorporate the provisions of a legal decision of the VA Office of General Counsel.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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

Agency Contact: Robert D. Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—7368
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RIN: 2900—AL58

3056. COMPENSATION FOR CERTAIN CASES OF BILATERAL DEAFNESS
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 1160(a)(3)**CFR Citation:** 38 CFR 3.383(a)(3)**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning the level of hearing loss at which VA may pay disability compensation as if the combination of disabilities in both ears were service—connected, even though disability in one ear is service connected and disability in the other ear is not. This amendment liberalizes the “paired organ” rule for bilateral deafness and provides a definition for the term “deafness.” This amendment

is necessary to implement a recent legislative change. Rather than requiring total deafness in both ears to trigger the paired organ rule, the proposed amendment would allow VA to consider partial nonservice—connected hearing loss in one ear when evaluating disability caused by compensable service—connected hearing loss in the other ear.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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, 111 W. Huron Street, Room 22, Buffalo, NY 14202
Phone: 716 551—4842

RIN: 2900—AL59

3057. • LOAN GUARANTY; LOAN SERVICING AND CLAIMS PROCEDURES MODIFICATION
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 3720; 38 USC 3732; 38 USC 3736

CFR Citation: 38 CFR 36.4301; 38 CFR 36.4306a; 38 CFR 36.4311; 38 CFR 36.4313 to 4321; 38 CFR 36.4324 to 4325; 38 CFR 36.4330; 38 CFR 36.4344a; 38 CFR 36.4346

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its loan guaranty regulations pertaining to the servicing and liquidation of guaranteed housing loans in default and submitting of guaranty claims by loan holders. These proposed changes regarding loan servicing and claims procedures reflect changes in the servicing of VA loans and are necessary to implement new servicing and claims procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

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

VA

Proposed Rule Stage

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RIN: 2900—AL65

3058. • ADJUDICATION: SERVICE REQUIREMENTS FOR VETERANS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its Compensation and Pension regulations relating to service requirements for veterans, currently found in part 3 of title 38 Code of Federal Regulations and to relocate them in new part 5. We propose to reorganize these regulations in a more logical order, add new section and paragraph headings, rewrite some sections, and divide some sections into one or more separate new sections. VA's principle goal in rewriting and reorganizing the current regulations is to provide reader with clearer language and more easily understood regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—9216
Fax: 202 275—9026
Email: capbruss@vba.va.gov

RIN: 2900—AL67

3059. • PRESUMPTIONS OF SERVICE CONNECTION

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 501(a); 38 USC 1101(3) and (4); 38 USC 1112; 38 USC 1113; 38 USC 1116; 38 USC 1133; 38 USC 1137

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations that concern the presumptions of service connection for certain diseases or conditions. VA also proposes to remove certain redundant rules. These revisions are proposed as part of VA's rewrite and reorganization of all of its adjudication regulations in a logical, claimant—focused, and user—friendly format. The intended effect of the proposed revisions is to make the rules regarding presumptions easier to understand and apply.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—9216
Fax: 202 275—9026
Email: capbruss@vba.va.gov

RIN: 2900—AL70

3060. • ADJUDICATION: ACCRUED BENEFITS AND DEATH COMPENSATION BENEFITS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 501(a); 38 USC 1121 and 1122; 31 USC 3329 and 3330; 38 USC 5101; 38 USC 5121; ...

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its

Compensation and Pension regulations relating to accrued and death compensation benefits, currently found in part 3 of title 38 Code of Federal Regulations (CFR) and to relocate them in new part 5. We propose to reorganize these regulations in a more logical order, add new section and paragraph headings, rewrite some sections, and divide some sections into one or more separate new sections. VA's principle goal in rewriting and reorganizing the current regulations is to provide readers with clearer language and more easily understood regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—9216
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RIN: 2900—AL71

3061. • BURIAL BENEFITS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 101(2); 38 USC 501; 38 USC 2301 to 2305; 38 USC 2307 and 2308; 38 USC 5101; 38 USC 5303(c); 38 USC 6103 to 6105

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its Compensation and Pension regulations relating to monetary burial benefits, which are currently found in part 3 of title 38 Code of Federal Regulations (CFR) and to relocate them in new part 5. We propose to reorganize these regulations in a more logical order, add new section and paragraph headings, rewrite some sections, and divide some sections into one or more separate new sections. VA's principal goal in rewriting and reorganizing the current regulations is to provide readers with

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clear language and more easily understood regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

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

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Email: capbruss@vba.va.gov

RIN: 2900—AL72**3062. • NEW AND MATERIAL EVIDENCE**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 501(a); 38 USC 5110(a)

CFR Citation: 38 CFR 3.156

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to revise its rule regarding the effective date of awards based on certain types of evidence, when the evidence is submitted after a regional office has decided to claim. The proposed revisions would implement a recent court decision and would improve the effectiveness of our regulations by consolidating existing concepts that are currently not contained in the same rule and would restate those concepts in plain language. We believe that this proposal will make the rules easier to locate and apply.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

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

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810

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RIN: 2900—AL73**3063. • RULES ON APPORTIONMENTS TO DEPENDENTS, PAYMENTS TO FIDUCIARIES AND INCARCERATED BENEFICIARIES**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 501; 38 USC 5101; 38 USC 5110; 38 USC 5112; 38 USC 5307; 38 USC 5313B

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs (VA) adjudication rules that concern the award and administration of VA benefits to incarcerated veterans, their dependents, and fugitive felons; the award and administration of compensation to certain incompetent veterans; and the apportionment of benefits to dependents. The proposed amendments are necessary to meet VA's overarching objective to reorganize the regulations in a logical, claimant—focused, and user—friendly format. The intended effect of the proposed amendments is to make the existing rules easier to locate, understand, and apply.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

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

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900—AL74**3064. • REGULATIONS RELATED TO PAYMENTS AND ADJUSTMENTS TO PAYMENTS**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 501; 38 USC 1151; 38 USC 1161; 38 USC 1312; 38 USC 1317; 38 USC 1521; 38 USC 5103; 38 USC 5103; 38 USC 5110; 38 USC 5112; 38 USC 5301; 38 USC 5304 and, 5305; 42 USC 2210 (note)

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its Compensation and Pension regulations that relate to setting the rates of payments, adjustments and resumptions of payments, and elections between benefits, which are currently found in part 3 of title 38 Code of Federal Regulations (CFR) and to relocate them in new part 5. We propose to reorganize these regulations in a more logical order, add new section and paragraph headings, rewrite some sections, and divide some sections into one or more separate new sections. VA's principal goal in rewriting and reorganizing the current regulation is to provide readers with clearer language and more easily understood regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

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

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273—9216

Fax: 202 275—9026

Email: capbruss@vba.va.gov

RIN: 2900—AL75**3065. • CLAIMS BASED ON SERVICE IN THE PHILIPPINE ARMED FORCES**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 501; 38 USC 107; 38 USC 3565; 38 USC 5112

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CFR Citation: 38 CFR 3.40; 38 CFR 3.42 and 3.43; 38 CFR 3.505; 38 CFR 3.251; 38 CFR 3.1605; . . .

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to reorganize and rewrite in plain language its adjudication rules that apply to Filipino veterans and their survivors. These revisions are proposed as part of VA's rewrite and reorganization of all of its adjudication rules in a logical, claimant-focused, and user-friendly format. The intended effect of the proposed revisions is to assist Filipino claimants by providing a special body of rules that are dedicated to their needs and to assist VA personnel in locating the rules that are relevant to claims based on Philippine service.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

RIN: 2900-AL76

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

3066. 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	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2900-AK78

BOARD OF VETERANS APPEALS

3067. • BOARD OF VETERANS' APPEALS: OBTAINING EVIDENCE AND CURING PROCEDURAL DEFECTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 38 CFR 19.9; 38 CFR 19.38; 38 CFR 20.3; 38 CFR 20.903; 38 CFR 20.1304; . . .

Legal Deadline: None

Abstract: The Board of Veterans' Appeals proposes to amend VA's Appeals Regulations and the Board's Rules of Practice to make changes with respect to the Board's authority to develop evidence for initial consideration. By way of this rulemaking, we propose removing the invalidated portions of the Board's development regulations and changing those regulations to provide that, with certain exceptions, the Board will remand a case to the agency of original jurisdiction when there is a need to clarify the evidence, correct a procedural defect, or take any other action deemed essential for a proper appellate decision.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

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-AL77

OFFICE OF FINANCIAL MANAGEMENT

3068. STANDARDS FOR COLLECTION, COMPROMISE, SUSPENSION, OR TERMINATION OF COLLECTION EFFORT, AND REFERRAL OF CIVIL CLAIMS FOR MONEY OR PROPERTY; REGIONAL OFFICE COMMITTEES ON WAIVERS AND COMPROMISES; SALARY

Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Agency Contact: Peter T. Mulhern, Office of Finance (047GC1), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
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TDD Phone: 202 273 6574
RIN: 2900—AK10

OFFICE OF POLICY AND PLANNING**3069. 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	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local

Agency Contact: John A. Corso, Senior Procurement Analyst (95A), Acquisition Policy Team, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—8818
Email: john.corso@mail.va.gov

RIN: 2900—AJ62**Department of Veterans Affairs (VA)**

Final Rule Stage

VETERANS HEALTH ADMINISTRATION**3070. ADVANCED HEALTH CARE PLANNING**

Priority: Substantive, Nonsignificant
Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.32**Legal Deadline:** None

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

Timetable:

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

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**3071. 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	04/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Frank Salvas, Geriatrics and Extended Care (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—8536

RIN: 2900—AJ43

VA

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3072. PAYMENT FOR NON—VA PHYSICIAN SERVICES ASSOCIATED WITH EITHER OUTPATIENT OR INPATIENT CARE PROVIDED AT NON—VA FACILITIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR 17.56**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) medical regulations concerning payment for non—VA physician services that are associated with either outpatient or inpatient care provided to eligible VA beneficiaries at non—VA facilities. Currently, 38 CFR 17.56 requires all VA facilities to reimburse for non—VA physician services based upon the Centers for Medicare and Medicaid Services (CMS) physician fee schedule in effect at the time the services are provided. However, it has been determined that special circumstances exist in the State of Alaska. Since a large portion of VA health care provided in Alaska is obtained from non—VA sources, this could negatively impact the quality of care provided veterans living in that State. Therefore, to ensure that the amounts paid to physicians better represent the local cost to furnish a service and to achieve program cost reduction, VA is proposing through this document that an Alaska—specific payment methodology be established for inpatient and outpatient non—VA physician services with that State.

Timetable:

Action	Date	FR Cite
NPRM	07/29/03	68 FR 44507
NPRM Comment Period End	09/29/03	
Final Action	01/00/04	

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—8300

RIN: 2900—AK94**3073. PRIORITIES FOR OUTPATIENT MEDICAL SERVICES AND INPATIENT HOSPITAL CARE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101; 38 USC 501; 38 USC 1705; 38 USC 1710; PL 104—262**CFR Citation:** 38 CFR 17.49**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is amending its medical regulations to establish that, in scheduling appointments for non—emergency outpatient medical services and admissions for inpatient hospital care, VA will give priority to veterans with service—connected disabilities rated 50 percent or greater and veterans needing care for a service—connected disability. The Veterans' Eligibility Reform Act of 1996 authorizes VA to ensure that these two categories of veterans receive priority access to this type of care. The intended effect of this rule is to carry out that authority.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/02	67 FR 58528
Interim Final Rule Effective	09/17/02	
Interim Final Rule Comment Period End	11/18/02	
Final Action	04/00/04	

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

Agency Contact: Amy Hertz, Office of Policy and Planning (105D), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—8934

RIN: 2900—AL39**3074. CHARGES USED FOR RECOVERY FROM TORTIOUSLY LIABLE THIRD PARTIES FOR MEDICAL CARE OR SERVICES PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS****Priority:** Other Significant**Legal Authority:** 38 USC 101; 38 USC 501; 38 USC 1701; 38 USC 1705; 38 USC 1710; 38 USC 1721; 38 USC 1722; 38 USC 1729; ...**CFR Citation:** 38 CFR 17.101; 38 CFR 17.102**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) medical regulations with respect to charges used for recovering from tortiously liable third parties the reasonable value of medical care and services provided by VA. The amendment reflects the decision of the Director of the Office of Management and Budget (OMB) to use the “reasonable charges” determined in accordance with the provisions of 38 CFR 17.101 for this purpose, rather than the rates generated by the methodology at 38 CFR 17.102(h).

Timetable:

Action	Date	FR Cite
Final Action	12/00/03	

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

Agency Contact: David Cleaver, Chief Business Office (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254—0361

RIN: 2900—AL48**3075. ENROLLMENT—PROVISION OF HOSPITAL AND OUTPATIENT CARE TO VETERANS—SUBPRIORITIES OF PRIORITY CATEGORIES 7 AND 8 AND ENROLLMENT LEVEL DECISION****Regulatory Plan:** This entry is Seq. No. 100 in part II of this issue of the Federal Register.**RIN:** 2900—AL51**3076. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES; 2003 UPDATE****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) medical regulation concerning “reasonable charges” for medical care and services provided or furnished by VA to veterans for nonservice—

VA

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connected disabilities. This document amends the regulation to update databases and other provisions for the purpose of providing more current and more precise charges.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/29/03	68 FR 22966
Interim Final Rule Comment Period End	06/30/03	
Final Action	01/00/04	

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

Additional Information: Related RINs: 2900—AJ30; 2900—AK39; 2900—AK73; 2900—AL06

Agency Contact: David Cleaver, Chief Business Office (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254—0361

RIN: 2900—AL57**3077. SENSORI—NEURAL AIDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1707**CFR Citation:** 38 CFR 17.149**Legal Deadline:** None

Abstract: This document amends Department of Veterans Affairs (VA) medical regulations concerning sensori—neural aids. 38 CFR section 17.149 authorizes VA to provide sensori—neural aids (i.e., eyeglasses, contact lenses, hearing aids) to seven groups of veterans as identified in the regulation in section 17.149, paragraphs (b)(1)—(b)(7). The veterans presently identified in section 17.149, paragraph (b)(2), are veterans who are former prisoners of war. Section 17.149, paragraph (b)(2), will be revised to include veterans who were awarded the Purple Heart. It will also note that the authority for this regulation, previously identified as 38 U.S.C. 1701(6)(A)(i), has been recodified as 38 U.S.C. 1707 pursuant to Public Law No. 107—135.

Timetable:

Action	Date	FR Cite
NPRM	07/31/03	68 FR 44913
NPRM Comment Period End	09/29/03	
Final Action	04/00/04	

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

Agency Contact: John G. Clements, Prosthetic Program Manager (113), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900—AL60**3078. ● VA HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM; RELIGIOUS ORGANIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 2002; 38 USC 2011; 38 USC 2061; 38 USC 7721**CFR Citation:** 38 CFR 61.64**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its regulations concerning the VA Homeless Providers Grant and Per Diem Program. This document revises provisions that apply to religious organizations that receive VA funds under 38 CFR part 61 to ensure that VA activities under this program are open to all qualified organizations, regardless of their religious character, and to clearly establish the proper uses to which funds may be put and the conditions for the receipt of such funding.

Timetable:

Action	Date	FR Cite
NPRM	09/30/03	68 FR 56426
NPRM Comment Period End	10/30/03	
Final Action	04/00/04	

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

Agency Contact: Guy A. Liedke, Program Specialist, Department of Veterans Affairs, Veterans Health Administration, Grant and Per Diem Field Office, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900—AL63**3079. ● MEDICATION PRESCRIBED BY NON—VA PHYSICIANS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 38 USC 1706; 38 USC 1710; 38 USC 1712(d); 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

Abstract: This rule amends VA's medical regulations that govern the provision of medication to veterans when the medication is prescribed by non—VA physicians. The rule provides that, in limited circumstances, VA may provide medication prescribed by a non—VA physician to veterans enrolled in VA's health—care system prior to July 25, 2003, if the veterans have requested an initial appointment for primary care in a VA health care facility before July 25, 2003, and were unable to obtain an initial appointment for primary care within 30 days. The rule establishes specific requirements that veterans must meet to receive such medication, and it establishes limits on the types and quantities of medication VA may provide. VA's intent is to assist enrolled veterans who have requested primary care appointments but who have not been able to obtain one within 30 days.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/25/03	68 FR 43927
Interim Final Rule Effective	07/25/03	
Interim Final Rule Comment Period End	08/25/03	
Final Action	12/00/03	

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

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VA

Final Rule Stage

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 RIN: 2900—AL68

VETERANS BENEFITS ADMINISTRATION

3080. SCHEDULE FOR RATING DISABILITIES—THE MUSCULOSKELETAL SYSTEM

Priority: Other Significant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.71(a)

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs Schedule for Rating Disabilities that addresses musculoskeletal conditions. The intended effect is to update this portion of the rating schedule to ensure that it uses current medical terminology and unambiguous criteria and that it reflects medical advances that have occurred since the last review. We also make nonsubstantive editorial changes throughout this portion of the schedule.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53315
ANPRM Comment Period End	02/26/91	
NPRM	02/11/03	68 FR 6998
NPRM Comment Period End	04/14/03	
Correction	06/27/03	68 FR 38425
Final Action	12/00/03	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273—7211

RIN: 2900—AE91

3081. TOTAL DISABILITY EVALUATIONS BASED ON INABILITY OF THE INDIVIDUAL TO ENGAGE IN SUBSTANTIALLY GAINFUL EMPLOYMENT

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Timetable:

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

**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, 111 W. Huron Street, Room 22, Buffalo, NY 14202
 Phone: 716 551—4842

RIN: 2900—AH21

3082. SCHEDULE FOR RATING DISABILITIES—THE EYE

Priority: Other Significant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.75

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending that portion of its Schedule for Rating Disabilities that addresses disabilities of the eye. The intended effect of this action is to update this portion of the rating schedule to ensure that it uses current medical terminology and unambiguous criteria and that it reflects medical advances that have occurred since the last review.

Timetable:

Action	Date	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	
Final Action	04/00/04	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273—7211

RIN: 2900—AH43

3083. 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	12/00/03	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: None

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 Email: caprmcke@vba.va.gov

RIN: 2900—AI42

3084. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND REQUIREMENT FOR DRUG—FREE WORKPLACE (ASSISTANCE)

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

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CFR Citation: 38 CFR 44; 38 CFR 48 (New)

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is planning to revise its portion of the Governmentwide nonprocurement common rule (NCR) for debarment and suspension found at 38 CFR part 44. These changes include: Drafting the rule in a plain language style and format; reconciling technical differences between the NCR and the Federal Acquisition Regulation; enhancing and clarifying the existing rule; and establishing a separate part at 38 CFR part 48 for the drug-free workplace requirements that are in subpart F of the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

Agency Contact: Robert D. 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-AK16

3085. DEFINITION OF PSYCHOSIS FOR CERTAIN VA PURPOSES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.384

Legal Deadline: None

Abstract: This document amends 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	10/11/02	67 FR 63352

Action	Date	FR Cite
NPRM Comment Period End	12/10/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AK21

3086. FILIPINO VETERANS BENEFIT IMPROVEMENTS

Priority: Other Significant

Legal Authority: 38 USC 107

CFR Citation: 38 CFR 3.8; 38 CFR 3.10; 38 CFR 3.1600

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/27/01	66 FR 66763
Interim Final Rule Effective	12/27/01	
Interim Final Rule Comment Period End	02/25/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Randy A. McKeivitt, Consultant, C&P Service (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK65

3087. LOAN GUARANTY: PREPURCHASE COUNSELING REQUIREMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 38 CFR 36.4332

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK76

3088. 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 3.154; 38 CFR 3.358; 38 CFR 3.361; 38 CFR 3.362; 38 CFR 3.363; 38 CFR 3.400; 38 CFR 3.708; 38 CFR 3.800

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its

VA

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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 this amendment, benefits will be payable for additional disability or death caused by hospital care, medical or surgical treatment, or examination only if VA is at fault or "an event not reasonably foreseeable" proximately caused the disability or 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	12/12/02	67 FR 76322
NPRM Comment Period End	02/10/03	
Final Action	04/00/04	

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, 111 W. Huron Street, Room 22, Buffalo, NY 14202

Phone: 716 551—4842

RIN: 2900—AK77**3089. TIME LIMIT FOR REQUEST FOR DE NOVO REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5109(a); 38 USC 7105(a)**CFR Citation:** 38 CFR 3.2600**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	03/11/02	67 FR 10866
NPRM Comment Period End	05/10/02	
Final Action	01/00/04	

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

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RIN: 2900—AK97**3090. EXCEPTIONS TO DEFINITION OF DATE OF RECEIPT BASED ON SPECIAL OR UNFORESEEN CIRCUMSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5110**CFR Citation:** 38 CFR 3.1(r)**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	12/00/03	

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, 111

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Phone: 716 551—4842

RIN: 2900—AL12**3091. LOAN GUARANTY: IMPLEMENTATION OF PUBLIC LAW 107—103****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 2102; 38 USC 3703(a)(1) and (c)(1); 38 USC 3714(d); 38 USC 3761**CFR Citation:** 38 CFR 36.4302; 38 CFR 36.4308; 38 CFR 36.4404; 38 CFR 36.4527**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/10/03	68 FR 6625
Interim Final Rule Effective	02/10/03	
Interim Final Rule Comment Period End	04/11/03	
Final Action	04/00/04	

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

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

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RIN: 2900—AL23

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3092. SCHEDULE FOR RATING DISABILITIES; GUIDELINES FOR APPLICATION OF EVALUATION CRITERIA FOR CERTAIN RESPIRATORY AND CARDIOVASCULAR CONDITIONS; EVALUATION OF HYPERTENSION WITH HEART DISEASE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.104

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) Schedule for Rating Disabilities, 38 CFR part 4, in order to clarify the evaluation of certain respiratory and cardiovascular conditions and to explain that hypertension and hypertensive or other heart diseases will be separately evaluated. The intended effect of this amendment is to clarify the use of the current criteria for evaluating respiratory and cardiovascular conditions, particularly in cases where alternative criteria are provided, in order to ensure that veterans receive consistent evaluations and are not required to undergo unnecessary tests.

Timetable:

Action	Date	FR Cite
NPRM	08/22/02	67 FR 54394
NPRM Comment Period End	10/21/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AL26

3093. VETERANS EDUCATION: VETERANS EDUCATION AND BENEFITS EXPANSION ACT OF 2001

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3511; 38 USC 3512; 38 USC 3540; 38 USC 3543; 38 USC 3672; 38 USC 3675; 38 USC 3680A; 38 USC 3011(c)

CFR Citation: 38 CFR 21.3045; 38 CFR 21.3046; 38 CFR 21.3104; 38 CFR

21.3300; 38 CFR 21.3301; 38 CFR 21.3302; 38 CFR 21.3303; 38 CFR 21.3305; 38 CFR 21.3306

Legal Deadline: None

Abstract: Final regulations implementing some of the provisions in the Veterans Education and Benefits Expansion Act of 2001. The provisions are: Restoring benefits for individuals ordered to active duty on or after September 11, 2001; an additional opportunity for Vietnam Era Veterans to qualify for benefits under the Montgomery GI Bill program; establishing an ending date to the eligibility period for spouses under the Survivors' and Dependents' Educational Assistance program; expanding special restorative training benefits to include certain disabled spouses and surviving disabled spouses; allowing payment of education benefits for distance learning courses that are part of a certificate program offered by institutions of higher learning; and increasing the amount of scholarship funds someone in a Senior Reserve Officer Training Corps program can receive and remain eligible under the Montgomery GI Bill.

Timetable:

Action	Date	FR Cite
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL28

3094. SCHEDULE FOR RATING DISABILITIES; EVALUATION OF MULTIPLE SCARS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 115

CFR Citation: 38 CFR 4.118

Legal Deadline: None

Abstract: This amendment would clarify the method of evaluating multiple scars in a uniform and consistent manner.

Timetable:

Action	Date	FR Cite
NPRM	10/29/02	67 FR 65915
NPRM Comment Period End	12/30/02	
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AL32

3095. TESTIMONY CERTIFIED OR UNDER OATH

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 5711(a)(3)

CFR Citation: 38 CFR 3.200

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulation that requires written and oral testimony to be certified or given under oath or affirmation in most cases. VA believes that the global requirements in this regulation are no longer necessary to establish the credibility of most testimony offered in support of a claim for benefits. Removal of this regulation will help to streamline the claims process without affecting program integrity.

Timetable:

Action	Date	FR Cite
NPRM	07/31/02	67 FR 49646
NPRM Comment Period End	09/30/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: See related RIN 2900-AK24. On March 5, 2002, VA inadvertently withdrew RIN 2900-AK24 in the April 2002 Unified Agenda but subsequently published the proposed rule on July 31, 2002, at 67 FR 49646.

Agency Contact: Robert M. White, Compensation and Pension Service

VA

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

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RIN: 2900—AL38

3096. ADMINISTRATION OF VA EDUCATION BENEFITS—CENTRALIZED CERTIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3672; 38 USC 3675; 38 USC 3676

CFR Citation: 38 CFR 21.4266

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs (VA) rules governing certification of enrollment in approved courses for the training of veterans and other eligible persons under education benefit programs VA administers. As part of the approval requirements, educational institutions designate an official of the institution (a VA certifying official) to certify the enrollment of veterans and other eligible persons to VA. As a general rule, VA rules currently require that each branch or extension of an educational institution must perform the certifications and maintain records for veterans and other eligible persons at the branch or extension. The proposed rule would expand current regulations to allow an educational institution to combine the certification functions at one or more of its locations, to include branches and extensions not located with the same State.

Timetable:

Action	Date	FR Cite
NPRM	06/30/03	68 FR 38657
NPRM Comment Period End	09/29/03	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900—AL43

3097. • INCREASE RATES PAYABLE UNDER THE SURVIVOR'S AND DEPENDENT'S EDUCATION ASSISTANT PROGRAM

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 3534(b); 5 USC 3564; 5 USC 3686(a); 5 USC 3541(b) and 3542

CFR Citation: 38 CFR 21.3045; 38 CFR 21.3131; 38 CFR 21.3333

Legal Deadline: None

Abstract: This document amends the regulations governing rates of education assistance payable under the Survivors' and Dependents' Educational Assistance (DEA) program to reflect increases required by statutory provisions. The rates of education assistance payable under the DEA program are changed to show a 1.5 percent increase for fiscal year 2003 (October 1, 2002, through September 30, 2003) and 2.2 percent increase for fiscal year 2004 (October 1, 2003, through September 30, 2004).

Timetable:

Action	Date	FR Cite
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900—AL64

3098. • RESERVISTS' EDUCATION: REVISION OF ELIGIBILITY REQUIREMENTS FOR THE MONTGOMERY GI BILL—SELECTED RESERVE

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 501(a); PL 106—419; PL 107—314

CFR Citation: 38 CFR 21.1032; 38 CFR 21.7540; 38 CFR 21.7550 and 7551

Legal Deadline: None

Abstract: This document amends the regulations governing the administration of the Montgomery GI Bill—Selected Reserve (MGIB—SR) program. The amendments implement provisions in the Veterans Benefits and Health Care Improvement Act of 2000 and the Bob Stump National Defense Authorization Act for Fiscal Year 2003. The Veterans Benefits and Health Care Improvement Act of 2000 contained a provision that changed an eligibility criterion concerning the time for obtaining a high school diploma. The Bob Stump National Defense Authorization Act for Fiscal Year 2003 expanded the MGIB—SR eligibility period from 10 years to 14 years for reservists who first become eligible after September 30, 1992.

Timetable:

Action	Date	FR Cite
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900—AL69

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

3099. IMPLEMENTING THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

Priority: Other Significant

Legal Authority: PL 104—191

CFR Citation: 48 CFR 824; 48 CFR 852

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs Acquisition Regulation (VAAR) to incorporate contract language required to implement the Administrative Simplification provisions of the Health Insurance Portability and

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Accountability Act of 1996 (HIPAA), Public Law No. 104—191, title II, subtitle F, sections 261 to 264, 119 Stat. 1936, 2021—34 (11196). As mandated by HIPAA, the Department of Health and Human Services published rules that establish “Standards for Privacy of Individually Identifiable Health Information” (Privacy Rule) found at 45 CFR parts 106 and 164, subparts A and C, to protect the privacy of protected health information and the security of electronically protected health information in the hands of covered entities, including the Veterans Health Administration, and its business associates. This document adds a contract clause to the VAAR that will require VA contractors to protect the privacy and security of this information as defined and required by the Privacy and Security Rules.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/03	

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

Agency Contact: Cathy Dailey, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition and Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900—AL53**BOARD OF VETERANS APPEALS****3100. APPEALS REGULATIONS; RULES OF PRACTICE****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 511; 38 USC 512; 38 USC 512(a); 38 USC 5903 to 5905; 38 USC 7102 to 7105; 38 USC 7109(c)

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);

...

Legal Deadline: None

Abstract: The Board of Veterans Appeals will be further revising a recent restructuring of its Appeals Regulations and Rules of Practice (54 FR 34334) in order to address questions that have arisen since that restructuring was proposed. No other alternatives are available. These additional revisions will not entail any 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	02/03/92	57 FR 4131
NPRM Comment Period End	03/04/92	
Final Action	12/00/03	

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

Additional Information: These proposed regulations were previously a part of RIN 2900—AE02.

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—AE78**3101. THE BOARD OF VETERANS' APPEALS; RULES OF PRACTICE—MOTION FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR****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: This document amends the Rules of Practice of the Board of Veterans' Appeals (Board) relating to challenges to Board decisions on the grounds of “clear and unmistakable error” (CUE). The amendment provides for advancing CUE motions on the docket.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/12/03	68 FR 53681
Interim Final Rule Effective	09/12/03	

Action	Date	FR Cite
Interim Final Rule	10/14/03	
Comment Period End		
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: 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—AJ85**3102. 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	04/00/04	

Regulatory Flexibility Analysis Required: 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—AK52

VA

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3103. BOARD OF VETERANS' APPEALS RULES OF PRACTICE: NOTICE PROCEDURES RELATING TO WITHDRAWAL OF SERVICES BY A REPRESENTATIVE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 5901 to 5904; 38 USC 7105(a)

CFR Citation: 38 CFR 20.608(b)(2)

Legal Deadline: None

Abstract: The Board of Veterans' Appeal proposes to amend its Rules of Practice to simplify notice procedures relating to withdrawal of services by a representative after certification of an appeal. Rule 608(b)(2) (38 CFR 20.608(b)(2)), relating to withdrawal of services by a representative after certification of an appeal, requires service of papers on the parties by certified mail, return receipt requested, and requires filing a signed certification of receipt with the Board. The proposed amendment will eliminate the requirement of mailing by certified mail and replace it with a certification by the mailer.

Timetable:

Action	Date	FR Cite
NPRM	06/03/03	68 FR 33040
NPRM Comment Period End	08/04/03	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900—AL45

NATIONAL CEMETERY SYSTEM

3104. 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 was published as proposed in the Federal Register to provide information to the public on how to apply for Federal funding for State veterans cemeteries. A 60—day public comment period was 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 rule does 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	05/01/03	68 FR 23249
NPRM Comment Period End	06/30/03	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

Agency Contact: Karen Barber, Program Analyst (402B3), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900—AH46

3105. ELIGIBILITY FOR A HEADSTONE OR MARKER FOR GRAVES ALREADY MARKED AT PRIVATE EXPENSE; APPLICATIONS FOR HEADSTONE AND MARKER

Priority: Substantive, Nonsignificant

Legal Authority: PL 107—103, sec 502

CFR Citation: 38 CFR 1.632

Legal Deadline: None

Abstract: This interim final rule will amend the Department of Veterans Affairs (VA) regulations to reflect changes made by the Veterans Education and Benefits Expansion Act of 2001 and the Veterans Improvement Act of 2002. We propose to amend through regulation the changes to burial benefits that will allow VA to furnish an appropriate Government headstone or marker for the graves of eligible veterans buried in private cemeteries, regardless of whether the grave has been previously marked with a privately purchased marker. The provision applies to eligible veterans who have died on or after September 11, 2001.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/25/03	68 FR 55317
Interim Final Rule Effective	09/25/03	
Interim Final Rule Comment Period End	11/24/03	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected:

Undetermined

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RIN: 2900—AL40

Department of Veterans Affairs (VA)

Completed Actions

3106. VA HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM REGULATIONS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17; 38 CFR 61**Completed:**

Reason	Date	FR Cite
Interim Final Rule Comment Period End	05/19/03	68 FR 13590
Correction	06/09/03	68 FR 34332
Final Action	09/26/03	68 FR 55467

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Roger J. Casey
Phone: 202 273—8442**RIN:** 2900—AL30**3107. COPAYMENTS FOR INPATIENT HOSPITAL CARE UNDER GEOGRAPHIC MEANS TEST****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.108**Completed:**

Reason	Date	FR Cite
Final Action	10/24/03	68 FR 60853
Final Action Effective	10/01/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Nancy Howard
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Email: nancy.howard@hq.med.va.gov**RIN:** 2900—AL35**3108. EXCLUSIONS FROM INCOME AND NET WORTH COMPUTATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.261; 38 CFR 3.262; 38 CFR 3.272**Completed:**

Reason	Date	FR Cite
Final Action	10/24/03	68 FR 60851
Final Action Effective	10/24/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Beth McCoy
Phone: 716 551—4842**RIN:** 2900—AJ52**3109. SCHEDULE FOR RATING DISABILITY—THE SPINE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 4.71a**Completed:**

Reason	Date	FR Cite
Final Action	08/27/03	68 FR 51454
Final Action Effective	09/26/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Audrey Tomlinson
Phone: 202 273—7211**RIN:** 2900—AJ60**3110. VETERANS EDUCATION: ADDITIONAL OPPORTUNITY TO PARTICIPATE IN THE MONTGOMERY GI BILL AND OTHER MISCELLANEOUS ISSUES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.4138; 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7136; 38 CFR 21.7540**Completed:**

Reason	Date	FR Cite
Final Action	06/09/03	68 FR 34326
Final Action Effective	06/09/03	

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—AK81**3111. SCHEDULE FOR RATING DISABILITIES; EVALUATION OF TINNITUS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 4.87 (Diagnostic Code 6260)**Completed:**

Reason	Date	FR Cite
Final Action	05/14/03	68 FR 25822
Final Action Effective	06/13/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Audrey Tomlinson
Phone: 202 273—7211**RIN:** 2900—AK86**3112. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.3045; 38 CFR 21.3131; 38 CFR 21.3300; 38 CFR 21.3333; 38 CFR 21.7136 to 21.7137**Completed:**

Reason	Date	FR Cite
Final Action	06/09/03	68 FR 34319
Final Action Effective	06/09/03	
Correction	06/23/03	68 FR 37206

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Lynn M. Nelson
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Email: edulcose@vba.va.gov**RIN:** 2900—AL17**3113. ACCELERATED PAYMENTS UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.4000; 38 CFR 21.7020; 38 CFR 21.7076; 38 CFR 21.7140; 38 CFR 21.7142**Completed:**

Reason	Date	FR Cite
Final Action	06/12/03	68 FR 35177
Final Action Effective	06/12/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Lynn M. Nelson
Phone: 202 273—7294
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Email: edulcose@vba.va.gov**RIN:** 2900—AL22**3114. COMPENSATION AND PENSION PROVISIONS OF THE VETERANS EDUCATION AND BENEFITS EXPANSION ACT OF 2001****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.3; 38 CFR 3.307; 38 CFR 3.317; 38 CFR 3.353; 38 CFR 3.665; 38 CFR 3.666; ...**Completed:**

Reason	Date	FR Cite
Final Action	06/10/03	68 FR 34539
Final Action Effective	06/10/03	

VA

Completed Actions

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2900—AL29

3115. INDEPENDENT STUDY APPROVED FOR CERTIFICATE PROGRAMS AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.7540; 38 CFR 21.7550; 38 CFR 21.7576; 38 CFR 21.7620

Completed:

Reason	Date	FR Cite
Final Action	10/17/03	68 FR 59729
Final Action Effective	10/17/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2900—AL34

3116. PRESUMPTION OF SERVICE CONNECTION FOR CIRRHOSIS OF THE LIVER IN FORMER PRISONERS OF WAR

Priority: Other Significant

CFR Citation: 38 CFR 3.309(c)

Completed:

Reason	Date	FR Cite
Final Action	07/18/03	68 FR 42602
Final Action Effective	07/18/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Beth McCoy

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RIN: 2900—AL36

3117. EFFECTIVE DATES OF BENEFITS FOR DISABILITY OR DEATH CAUSED BY HERBICIDE EXPOSURE; DISPOSITION OF UNPAID BENEFITS AFTER DEATH OF BENEFICIARY

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.816

Completed:

Reason	Date	FR Cite
Final Action	08/25/03	68 FR 50966
Final Action Effective	09/24/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: David Joseph Barrans

Phone: 202 273—6332

RIN: 2900—AL37

3118. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTIVE RESERVE

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.7636

Completed:

Reason	Date	FR Cite
Final Action	07/21/03	68 FR 42977
Final Action Effective	07/21/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2900—AL41

3119. HEADSTONE AND MARKER INSCRIPTION

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 1.630

Completed:

Reason	Date	FR Cite
Withdrawn	05/19/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2900—AL50

3120. VETERANS EDUCATION: INCREASED ALLOWANCES FOR THE EDUCATIONAL ASSISTANCE TEST PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Completed:

Reason	Date	FR Cite
Final Action	11/20/03	68 FR 65399
Final Action Effective	11/20/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2900—AL52

3121. DISEASE ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS: CHRONIC LYMPHOCYTIC LEUKEMIA

Priority: Other Significant

CFR Citation: 38 CFR 3.309(e)

Completed:

Reason	Date	FR Cite
Final Action	10/16/03	68 FR 59540
Final Action Effective	10/16/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: David Joseph Barrans

Phone: 202 273—6332

RIN: 2900—AL55

3122. COMPENSATION AND PENSION PROVISIONS OF THE VETERANS BENEFITS ACT OF 2002

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.27; 38 CFR 3.350(a); 38 CFR 3.802

Completed:

Reason	Date	FR Cite
Final Action	09/26/03	68 FR 55466

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Cheryl Konieczny

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RIN: 2900—AL62

3123. SEALED BIDDING AND COMPETITIVE PROPOSALS

Priority: Info./Admin./Other

CFR Citation: 48 CFR 806

Completed:

Reason	Date	FR Cite
Withdrawn	09/12/03	68 FR 53705

VA

Completed Actions

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Donald E. Kaliher

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RIN: 2900—AI99**3124. BOARD OF VETERANS' APPEALS: SPEEDING APPELLATE REVIEW FOR AGING VETERANS****Priority:** Other Significant**CFR Citation:** 38 CFR 20.900(c)**Completed:**

Reason	Date	FR Cite
Final Action	09/12/03	68 FR 53682

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

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RIN: 2900—AL08**3125. BOARD OF VETERANS' APPEALS RULES OF PRACTICE: USE OF SUPPLEMENTAL STATEMENT OF THE CASE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 20.302(c); 38 CFR 20.501(c)**Completed:**

Reason	Date	FR Cite
Final Action	11/17/03	68 FR 64805
Final Action Effective	11/17/03	

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

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RIN: 2900—AL42**3126. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; HANDICAP; AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL ASSISTANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 18**Completed:**

Reason	Date	FR Cite
Final Action	08/26/03	68 FR 51334
Final Action Effective	09/25/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tyrone Eddins

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RIN: 2900—AK13**3127. RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS RECORDS****Priority:** Other Significant**CFR Citation:** 38 CFR 1.500 to 1.584**Completed:**

Reason	Date	FR Cite
Withdrawn	09/18/03	68 FR 54704

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Lorraine M. Johnson

Phone: 202 273—6381

RIN: 2900—AH98**3128. DELEGATIONS OF AUTHORITY; OFFICE OF REGULATORY POLICY AND MANAGEMENT (ORPM)****Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 2.6; 38 CFR 2.7**Completed:**

Reason	Date	FR Cite
Final Action	05/13/03	68 FR 25503
Final Action Effective	05/13/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Robert C. McFetridge

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RIN: 2900—AL61**3129. PRIVACY ACT OF 1974—EXEMPTION OF POLICE AND SECURITY RECORDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 1.582**Completed:**

Reason	Date	FR Cite
Final Action	06/13/03	68 FR 35297
Final Action Effective	08/12/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tanya Al—Khateeb

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RIN: 2900—AL33

[FR Doc. 03—27065 Filed 12—19—03; 8:45 am]

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