Monday,
December 22, 2003

Part XVII

Department of Veterans Affairs

Semiannual Regulatory Agenda
### Department of Veterans Affairs—Proposed Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identification Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>3043</td>
<td>Waivers</td>
<td>2900—AK29</td>
</tr>
<tr>
<td>3044</td>
<td>Reasonable Charges for Medical Care or Services; 2003 Methodology Changes</td>
<td>2900—AL06</td>
</tr>
<tr>
<td>3045</td>
<td>Copayments for Extended Care Services</td>
<td>2900—AL49</td>
</tr>
<tr>
<td>3046</td>
<td>Clarification of Patients Rights Regarding Who May Prescribe Medication</td>
<td>2900—AL66</td>
</tr>
<tr>
<td>3047</td>
<td>Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders</td>
<td>2900—AF23</td>
</tr>
<tr>
<td>3048</td>
<td>Schedule for Rating Disabilities—Digestive System</td>
<td>2900—AF24</td>
</tr>
<tr>
<td>3050</td>
<td>Veterans and Dependents Education: Topping—Up Tuition Assistance; Licensing and Certification Tests; Duty To Assist Education Claimants</td>
<td>2900—AK80</td>
</tr>
<tr>
<td>3051</td>
<td>Schedule for Rating Disabilities; Malignant Neoplasms</td>
<td>2900—AL27</td>
</tr>
<tr>
<td>3052</td>
<td>Survivors’ and Dependents’ Educational Assistance Program Eligibility Period for Eligible Children and Other Miscellaneous Issues</td>
<td>2900—AL44</td>
</tr>
<tr>
<td>3053</td>
<td>Loan Guaranty: Hybrid Adjustable Rate Mortgages</td>
<td>2900—AL54</td>
</tr>
<tr>
<td>3054</td>
<td>Annual Risk Allowance for Servicemembers’ Group Life Insurance and Veterans’ Group Life Insurance</td>
<td>2900—AL56</td>
</tr>
<tr>
<td>3055</td>
<td>Loan Guaranty: Assistance to Certain Disabled Veterans in Acquiring Specially Adapted Housing</td>
<td>2900—AL58</td>
</tr>
<tr>
<td>3056</td>
<td>Compensation for Certain Cases of Bilateral Deafness</td>
<td>2900—AL59</td>
</tr>
<tr>
<td>3057</td>
<td>Loan Guaranty; Loan Servicing and Claims Procedures Modification</td>
<td>2900—AL65</td>
</tr>
<tr>
<td>3058</td>
<td>Adjudication: Service Requirements for Veterans</td>
<td>2900—AL67</td>
</tr>
<tr>
<td>3059</td>
<td>Presumptions of Service Connection</td>
<td>2900—AL70</td>
</tr>
<tr>
<td>3060</td>
<td>Adjudication: Accrued Benefits and Death Compensation Benefits</td>
<td>2900—AL71</td>
</tr>
<tr>
<td>3061</td>
<td>Burial Benefits</td>
<td>2900—AL72</td>
</tr>
<tr>
<td>3062</td>
<td>New and Material Evidence</td>
<td>2900—AL73</td>
</tr>
<tr>
<td>3063</td>
<td>Rules on Apportionments to Dependents, Payments to Fiduciaries and Incarcerated Beneficiaries</td>
<td>2900—AL74</td>
</tr>
<tr>
<td>3064</td>
<td>Regulations Related to Payments and Adjustments to Payments</td>
<td>2900—AL75</td>
</tr>
<tr>
<td>3065</td>
<td>Claims Based on Service in the Philippine Armed Forces</td>
<td>2900—AL76</td>
</tr>
<tr>
<td>3066</td>
<td>Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite</td>
<td>2900—AK78</td>
</tr>
<tr>
<td>3067</td>
<td>Board of Veterans’ Appeals: Obtaining Evidence and Curing Procedural Defects</td>
<td>2900—AL77</td>
</tr>
<tr>
<td>3068</td>
<td>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</td>
<td>2900—AK10</td>
</tr>
<tr>
<td>3069</td>
<td>Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations</td>
<td>2900—AJ62</td>
</tr>
</tbody>
</table>

### Department of Veterans Affairs—Final Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identification Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>3070</td>
<td>Advanced Health Care Planning</td>
<td>2900—AJ28</td>
</tr>
<tr>
<td>3071</td>
<td>Grants to States for Construction and Acquisition of State Home Facilities</td>
<td>2900—AJ43</td>
</tr>
</tbody>
</table>

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 significant regulatory action is included in the Regulatory Plan.
Department of Veterans Affairs—Final Rule Stage (Continued)

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identification Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>3072</td>
<td>Payment for Non—VA Physician Services Associated With Either Outpatient or Inpatient Care Provided at Non—VA Facilities</td>
<td>2900—AK94</td>
</tr>
<tr>
<td>3073</td>
<td>Priorities for Outpatient Medical Services and Inpatient Hospital Care</td>
<td>2900—AL39</td>
</tr>
<tr>
<td>3074</td>
<td>Charges Used for Recovery From Tortiously Liable Third Parties for Medical Care or Services Provided by the Department of Veterans Affairs</td>
<td>2900—AL48</td>
</tr>
<tr>
<td>3075</td>
<td>Enrollment—Provision of Hospital and Outpatient Care to Veterans—Subpriorities of Priority Categories 7 and 8 and Enrollment Level Decision (Reg Plan Seq No. 100)</td>
<td>2900—AL51</td>
</tr>
<tr>
<td>3076</td>
<td>Reasonable Charges for Medical Care or Services; 2003 Update</td>
<td>2900—AL57</td>
</tr>
<tr>
<td>3077</td>
<td>Sensor—Neural Aids</td>
<td>2900—AL60</td>
</tr>
<tr>
<td>3078</td>
<td>VA Homeless Providers Grant and Per Diem Program; Religious Organizations</td>
<td>2900—AL63</td>
</tr>
<tr>
<td>3079</td>
<td>Medication Prescribed by Non—VA Physicians</td>
<td>2900—AL68</td>
</tr>
<tr>
<td>3080</td>
<td>Schedule for Rating Disabilities—The Musculoskeletal System</td>
<td>2900—AE91</td>
</tr>
<tr>
<td>3081</td>
<td>Total Disability Evaluations Based on Inability of the Individual To Engage in Substantially Gainful Employment</td>
<td>2900—AH21</td>
</tr>
<tr>
<td>3082</td>
<td>Schedule for Rating Disabilities—The Eye</td>
<td>2900—AH43</td>
</tr>
<tr>
<td>3083</td>
<td>Claims Based on Aggravation of Nonservice—Connected Disability</td>
<td>2900—AI42</td>
</tr>
<tr>
<td>3084</td>
<td>Governmentwide Debarment and Suspension (Nonprocurement) and Requirement for Drug—Free Workplace (Assistance)</td>
<td>2900—AK16</td>
</tr>
<tr>
<td>3085</td>
<td>Definition of Psychosis for Certain VA Purposes</td>
<td>2900—AK21</td>
</tr>
<tr>
<td>3086</td>
<td>Filipino Veterans Benefit Improvements</td>
<td>2900—AK65</td>
</tr>
<tr>
<td>3087</td>
<td>Loan Guaranty: Prepurchase Counseling Requirements</td>
<td>2900—AK76</td>
</tr>
<tr>
<td>3088</td>
<td>Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehabilitation Services, or Compensated Work Therapy Program</td>
<td>2900—AK77</td>
</tr>
<tr>
<td>3089</td>
<td>Time Limit for Request for De Novo Review</td>
<td>2900—AK97</td>
</tr>
<tr>
<td>3090</td>
<td>Exceptions to Definition of Date of Receipt Based on Special or Unforeseen Circumstances</td>
<td>2900—AL12</td>
</tr>
<tr>
<td>3091</td>
<td>Loan Guaranty: Implementation of Public Law 107—103</td>
<td>2900—AL23</td>
</tr>
<tr>
<td>3092</td>
<td>Schedule for Rating Disabilities; Guidelines for Application of Evaluation Criteria for Certain Respiratory and Cardiovascular Conditions; Evaluation of Hypertension With Heart Disease</td>
<td>2900—AL26</td>
</tr>
<tr>
<td>3093</td>
<td>Veterans Education: Veterans Education and Benefits Expansion Act of 2001</td>
<td>2900—AL28</td>
</tr>
<tr>
<td>3094</td>
<td>Schedule for Rating Disabilities; Evaluation of Multiple Scars</td>
<td>2900—AL32</td>
</tr>
<tr>
<td>3095</td>
<td>Testimony Certified or Under Oath</td>
<td>2900—AL38</td>
</tr>
<tr>
<td>3096</td>
<td>Administration of VA Education Benefits—Centralized Certification</td>
<td>2900—AL43</td>
</tr>
<tr>
<td>3097</td>
<td>Increase Rates Payable Under the Survivor’s and Dependent’s Education Assistant Program</td>
<td>2900—AL64</td>
</tr>
<tr>
<td>3098</td>
<td>Reservists’ Education: Revision of Eligibility Requirements for the Montgomery GI Bill—Selected Reserve</td>
<td>2900—AL69</td>
</tr>
<tr>
<td>3099</td>
<td>Implementing the Health Insurance Portability and Accountability Act (HIPAA)</td>
<td>2900—AL53</td>
</tr>
<tr>
<td>3100</td>
<td>Appeals Regulations; Rules of Practice</td>
<td>2900—AE78</td>
</tr>
<tr>
<td>3101</td>
<td>The Board of Veterans’ Appeals; Rules of Practice—Motion for Review of Decisions on Grounds of Clear and Unmistakable Error</td>
<td>2900—AJ85</td>
</tr>
<tr>
<td>3102</td>
<td>Rules of Practice: Medical Opinions From the Veterans Health Administration</td>
<td>2900—AK52</td>
</tr>
<tr>
<td>3103</td>
<td>Board of Veterans’ Appeals Rules of Practice: Notice Procedures Relating to Withdrawal of Services by a Representative</td>
<td>2900—AL45</td>
</tr>
<tr>
<td>3104</td>
<td>State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries</td>
<td>2900—AH46</td>
</tr>
<tr>
<td>3105</td>
<td>Eligibility for a Headstone or Marker for Graves Already Marked at Private Expense; Applications for Headstone and Marker</td>
<td>2900—AL40</td>
</tr>
</tbody>
</table>

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

Department of Veterans Affairs—Completed Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identification Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>3106</td>
<td>VA Homeless Providers Grant and Per Diem Program Regulations</td>
<td>2900—AL30</td>
</tr>
<tr>
<td>3107</td>
<td>Copayments for Inpatient Hospital Care Under Geographic Means Test</td>
<td>2900—AL35</td>
</tr>
<tr>
<td>3108</td>
<td>Exclusions From Income and Net Worth Computations</td>
<td>2900—AJ52</td>
</tr>
<tr>
<td>3109</td>
<td>Schedule for Rating Disability—The Spine</td>
<td>2900—AJ60</td>
</tr>
<tr>
<td>3110</td>
<td>Veterans Education: Additional Opportunity To Participate in the Montgomery GI Bill and Other Miscellaneous Issues</td>
<td>2900—AK81</td>
</tr>
<tr>
<td>3111</td>
<td>Schedule for Rating Disabilities; Evaluation of Tinnitus</td>
<td>2900—AK86</td>
</tr>
</tbody>
</table>
Department of Veterans Affairs—Completed Actions (Continued)

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identification Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>3112</td>
<td>Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Survivors’ and Dependents’ Educational Assistance Program</td>
<td>2900—AL17</td>
</tr>
<tr>
<td>3113</td>
<td>Accelerated Payments Under the Montgomery GI Bill—Active Duty Program</td>
<td>2900—AL22</td>
</tr>
<tr>
<td>3115</td>
<td>Independent Study Approved for Certificate Programs and Other Miscellaneous Issues</td>
<td>2900—AL34</td>
</tr>
<tr>
<td>3116</td>
<td>Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War</td>
<td>2900—AL36</td>
</tr>
<tr>
<td>3117</td>
<td>Effective Dates of Benefits for Disability or Death Caused by Herbicide Exposure; Disposition of Unpaid Benefits After Death of Beneficiary</td>
<td>2900—AL37</td>
</tr>
<tr>
<td>3118</td>
<td>Increase in Rates Payable Under the Montgomery GI Bill—Selective Reserve</td>
<td>2900—AL41</td>
</tr>
<tr>
<td>3119</td>
<td>Headstone and Marker Inscription ..................................................</td>
<td>2900—AL50</td>
</tr>
<tr>
<td>3120</td>
<td>Veterans Education: Increased Allowances for the Educational Assistance Test Program</td>
<td>2900—AL52</td>
</tr>
<tr>
<td>3121</td>
<td>Disease Associated With Exposure to Certain Herbicide Agents: Chronic Lymphocytic Leukemia</td>
<td>2900—AL55</td>
</tr>
<tr>
<td>3123</td>
<td>Sealed Bidding and Competitive Proposals .......................................</td>
<td>2900—AI99</td>
</tr>
<tr>
<td>3124</td>
<td>Board of Veterans’ Appeals: Speeding Appellate Review for Aging Veterans</td>
<td>2900—AL08</td>
</tr>
<tr>
<td>3125</td>
<td>Board of Veterans’ Appeals Rules of Practice: Use of Supplemental Statement of the Case</td>
<td>2900—AL42</td>
</tr>
<tr>
<td>3126</td>
<td>Nondiscrimination on the Basis of Race, Color, or National Origin; Handicap; and Age in Programs and Activities Receiving Federal Assistance ..................................</td>
<td>2900—AK13</td>
</tr>
<tr>
<td>3127</td>
<td>Release of Information From Department of Veterans Affairs Records</td>
<td>2900—AH98</td>
</tr>
<tr>
<td>3128</td>
<td>Delegations of Authority; Office of Regulatory Policy and Management (ORPM)</td>
<td>2900—AL61</td>
</tr>
<tr>
<td>3129</td>
<td>Privacy Act of 1974—Exemption of Police and Security Records</td>
<td>2900—AL33</td>
</tr>
</tbody>
</table>

Department of Veterans Affairs (VA) Proposed Rule Stage

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/04</td>
<td></td>
</tr>
<tr>
<td>Regulatory Flexibility Analysis Required</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Government Levels Affected</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Agency Contact</td>
<td>Nancy Howard, Senior Program Analyst (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420</td>
<td>Phone: 202 254—0320</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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—

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/02/03</td>
<td>68 FR 56876</td>
</tr>
</tbody>
</table>

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—
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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/16/03</td>
<td>68 FR 54557</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/15/03</td>
<td></td>
</tr>
</tbody>
</table>

**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

Fax: 202 254—0396

Daniel Schoeps, Geriatrics and Extended Care (114), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 254—0321

Fax: 202 254—0396

**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/02/91</td>
<td>56 FR 20169</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>07/01/91</td>
<td></td>
</tr>
</tbody>
</table>

**ANPRM**

**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


**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/02/91</td>
<td>56 FR 20169</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>07/01/91</td>
<td></td>
</tr>
</tbody>
</table>

**ANPRM**

**RIN:** 2900–AF24

**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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

**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**ANPRM**

**RIN:** 2900–AF24

**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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
VA

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—7187
Fax: 202 275—2636
Email: edubsusl@vba.va.gov
RIN: 2900–AK80

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: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—7294
Fax: 202 275—2636
Email: edulcose@vba.va.gov
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: This amendment raises the guarantee rate on loans that will allow VA to administer the 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: 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
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 11/10/03
Period End
Final Action 04/00/04

of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—7294
Fax: 202 275—2636
Email: edulcose@vba.va.gov
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 3471; 38 USC 3513; 38 USC 3501; 38 USC 2900–AL27; 38 USC 3014; 38 USC 3015; 38 USC 3034; 38 USC 3241; 38 USC 3471; 38 USC 3513; 38 USC 3501
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
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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
Fax: 202 275—3523
Email: lgyrfinn@vba.va.gov
RIN: 2900–AL54

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 is 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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
Fax: 202 275—3523
Email: lgyrfinn@vba.va.gov
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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
Email: whenderson@vba.va.gov
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Federal
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
Fax: 202 275—3523
Email: lgyrfinn@vba.va.gov

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 (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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/04</td>
<td>Regulatory Flexibility Analysis Required: No</td>
</tr>
</tbody>
</table>

Small Entities Affected: None

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—AL71

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/04</td>
<td>Regulatory Flexibility Analysis Required: No</td>
</tr>
</tbody>
</table>

Small Entities Affected: None

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 1101; 38 USC 5101; 38 USC 5103(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 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 principal goal in rewriting and reorganizing the current regulations is to provide readers with
clear language and more easily understood regulatory requirements.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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–AL72

---

1. **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:** 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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–AL73

---

2. **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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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–AL74

---

3. **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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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

---

4. **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

**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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

---

**VA**

**Proposed Rule Stage**
Regulatory Flexibility Analysis

Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—9979
Fax: 202 273—9302
Email: donald.kaliher@mail.va.gov
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; 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 19.90; 38 CFR 19.1034; …

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: NPRM Date: 10/06/04
FR Cite: None

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: 202 275—9578
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 5301; 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: NPRM Date: 12/00/03
FR Cite: None

Regulatory Flexibility Analysis

Required: No
Small Entities Affected: No
Government Levels Affected: None
OCCUPATIONAL HEALTH AND SAFETY

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

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.

Legal Deadline: None

Agency Contact: Ellen Fox M.D., Director, National Center for Ethics and Profession, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—8818
Email: john.corso@mail.va.gov

RIN: 2900–AJ62

3070. ADVANCED HEALTH CARE PLANNING

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

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.

Legal Deadline: None

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

RIN: 2900–AK10

3071. GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES

Priority: Other Significant
Legal Authority: 38 USC 501; 38 USC 1721

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.

Legal Deadline: None

Agency Contact: Frank Salvas, Assistant Director, Procurement Team, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—8536
Email: john.corso@mail.va.gov

RIN: 2900–AJ28
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/29/03</td>
<td>68 FR 44507</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/29/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>01/09/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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 1703; 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>09/17/02</td>
<td>67 FR 58528</td>
</tr>
<tr>
<td>Interim Final Rule</td>
<td>09/17/02</td>
<td></td>
</tr>
<tr>
<td>Effective</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interim Final Rule</td>
<td>11/18/02</td>
<td>Comment Period</td>
</tr>
<tr>
<td>End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/01/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

CFR Citation: 38 CFR 17.101; 38 CFR 17.102
Legal Deadline: None

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—
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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>04/29/03</td>
<td>68 FR 22966</td>
</tr>
<tr>
<td>Interim Final Rule</td>
<td>06/30/03</td>
<td>68 FR 22966</td>
</tr>
<tr>
<td>Comment Period</td>
<td></td>
<td></td>
</tr>
<tr>
<td>End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>01/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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

Phone: 202 273—8515
Fax: 202 273—9110
Email: john.clements@hq.med.va.gov

RIN: 2900–AL60

---

### 3078. VA HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM; RELIGIOUS ORGANIZATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 1707

**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/30/03</td>
<td>68 FR 56426</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/30/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kendra Drew, Management/Program Analyst, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 254—0329
Email: kendra.drew@med.va.gov

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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>07/25/03</td>
<td>68 FR 43927</td>
</tr>
<tr>
<td>Interim Final Rule</td>
<td>07/25/03</td>
<td></td>
</tr>
<tr>
<td>Effective</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interim Final Rule</td>
<td>08/25/03</td>
<td></td>
</tr>
<tr>
<td>Comment Period</td>
<td></td>
<td></td>
</tr>
<tr>
<td>End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/00/03</td>
<td></td>
</tr>
</tbody>
</table>

**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
Fax: 202 273—9110
Email: guy.liedke@med.va.gov

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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/31/03</td>
<td>68 FR 44913</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/29/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>12/28/90</td>
<td>55 FR 53315</td>
</tr>
<tr>
<td>ANPRM Comment</td>
<td>02/26/91</td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>02/11/03</td>
<td>68 FR 6998</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>04/14/03</td>
<td></td>
</tr>
<tr>
<td>Correction</td>
<td>06/27/03</td>
<td>68 FR 38425</td>
</tr>
<tr>
<td>Final Action</td>
<td>12/00/03</td>
<td></td>
</tr>
</tbody>
</table>

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–AL68

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)

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Randy A. McKevitt, Consultant, C&P Service (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273—7211
Fax: 202 273—1728
Email: caprmcke@vba.va.gov
RIN: 2900–AI42

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>05/11/99</td>
<td>64 FR 25246</td>
</tr>
<tr>
<td>ANPRM Comment</td>
<td>07/12/99</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>06/04/97</td>
<td>62 FR 30547</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/04/97</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/00/03</td>
<td></td>
</tr>
</tbody>
</table>

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
Fax: 202 273—1728
Email: virginia.torris@hq.med.va.gov
RIN: 2900–AH43

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

Priority: Substantive, Nonsignificant
Legal Authority: 38 USC 501(a)
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 reflect changes made by the Department 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/11/02</td>
<td>67 FR 63352</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/11/02</td>
<td>67 FR 63352</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/11/01</td>
<td>66 FR 51893</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No

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
Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) is amending its
adjudication regulations concerning awards of compensation or dependency and indemnity compensation for additional disability or death caused by VA hospital care, medical or surgical treatment, examination, training and rehabilitation services, or compensated work therapy (CWT) program. Under 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>02/10/03</td>
<td>67 FR 7322</td>
</tr>
<tr>
<td>NPRM</td>
<td>12/12/02</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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 Benefits Administration, 111 W. Huron Street, Room 22, Buffalo, NY 14202
Phone: 716 551—4842
Fax: 202 273—1728
Email: caprmck@vba.va.gov

**RIN:** 2900—AK77

**3090. EXCEPTIONS TO DEFINITION OF DATE OF RECEIPT BASED ON SPECIAL OR UNFORESEEN CIRCUMSTANCES**

<table>
<thead>
<tr>
<th>Priority</th>
<th>Substantive, Nonsignificant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Authority</td>
<td>38 USC 5110</td>
</tr>
<tr>
<td>CFR Citation</td>
<td>38 CFR 3.11[r]</td>
</tr>
<tr>
<td>Legal Deadline</td>
<td>None</td>
</tr>
</tbody>
</table>

**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/03</td>
<td></td>
</tr>
</tbody>
</table>

**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 Benefits Administration, 111 W. Huron Street, Room 22, Buffalo, NY 14202
Phone: 716 551—4842
Fax: 202 273—1728
Email: caprmck@vba.va.gov

**RIN:** 2900—AK77
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/22/02</td>
<td>67 FR 54394</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/21/02</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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
Fax: 202 275—2636
Email: edul cose@va.va.gov
RIN: 2900—AL28

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)

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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
Phone: 202 273—7294
Fax: 202 275—2636
Email: edu corros@va.va.gov
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/31/02</td>
<td>67 FR 49646</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/30/02</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Robert M. White, Compensation and Pension Service
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>06/30/03</td>
<td>68 FR 38657</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/29/03</td>
<td>68 FR 38657</td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/04/04</td>
<td></td>
</tr>
<tr>
<td>Regulatory Flexibility Analysis</td>
<td>Required: No</td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>04/04/04</td>
<td></td>
</tr>
</tbody>
</table>

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


Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>04/04/04</td>
<td></td>
</tr>
</tbody>
</table>

3098A. 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
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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>12/00/03</td>
<td></td>
</tr>
</tbody>
</table>

**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 Phone: 202 273—8774 Fax: 202 273—9302 Email: cathy.dailey@mail.va.gov

**RIN:** 2900–AL53

---

**BOARD OF VETERANS APPEALS**

---

**3100. APPEALS REGULATIONS; RULES OF PRACTICE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 38 CFR 20.1403; 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>09/12/03</td>
<td>68 FR 53681</td>
</tr>
<tr>
<td>Effective</td>
<td>09/12/03</td>
<td></td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>06/03/03</td>
<td>68 FR 33040</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/04/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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–AL45

---

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/01/03</td>
<td>68 FR 23249</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>06/30/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Karen Barber, Program Analyst (402B3), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 273–5183 Fax: 202 273–6697 Email: karen.barber@mail.va.gov

RIN: 2900–AL40

---

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 Education and Benefits Expansion 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>09/25/03</td>
<td>68 FR 55317</td>
</tr>
<tr>
<td>Effective Interim Final Rule Comment Period End</td>
<td>09/25/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>11/24/03</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Karen Barber, Program Analyst (402B3), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 273–5183 Fax: 202 273–6697 Email: karen.barber@mail.va.gov

RIN: 2900–AH46
### 3106. **VA HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM REGULATIONS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 38 CFR 17; 38 CFR 61  
**Completed:**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>05/19/03</td>
<td>68 FR 13590</td>
</tr>
<tr>
<td>Comment Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correction</td>
<td>06/09/03</td>
<td>68 FR 34332</td>
</tr>
<tr>
<td>Final Action</td>
<td>09/26/03</td>
<td>68 FR 55467</td>
</tr>
</tbody>
</table>

**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:**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>10/24/03</td>
<td>68 FR 60853</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>10/01/02</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Nancy Howard  
Phone: 202 254—0320  
Fax: 202 254—0396  
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 3.3; 38 CFR 3.262; 38 CFR 3.272  
**Completed:**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action Effective</td>
<td>10/01/02</td>
<td>68 FR 13590</td>
</tr>
</tbody>
</table>

**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:**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>08/27/03</td>
<td>68 FR 51454</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>09/26/03</td>
<td></td>
</tr>
</tbody>
</table>

**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  
**Completed:**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>06/09/03</td>
<td>68 FR 34326</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>06/09/03</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** William G. Sulsing  
Phone: 202 273—7187  
Fax: 202 273—2636  
Email: edulcose@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:**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>05/14/03</td>
<td>68 FR 25822</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>06/13/03</td>
<td></td>
</tr>
</tbody>
</table>

**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  
**Completed:**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>06/09/03</td>
<td>68 FR 34319</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>06/09/03</td>
<td></td>
</tr>
<tr>
<td>Correction</td>
<td>06/23/03</td>
<td>68 FR 37206</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Lynn M. Nelson  
Phone: 202 273—7294  
Fax: 202 275—2636  
Email: edulcose@vba.va.gov  
**RIN:** 2900–AL17

### 3113. **ACCELERATED PAYMENTS UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY PROGRAM**

**Priority:** Substantive, Nonsignificant  
**Completed:**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>06/12/03</td>
<td>68 FR 35177</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>06/12/03</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Lynn M. Nelson  
Phone: 202 273—7294  
Fax: 202 275—2636  
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:**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>06/10/03</td>
<td>68 FR 34539</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>06/10/03</td>
<td></td>
</tr>
</tbody>
</table>
### 3115. INDEPENDENT STUDY APPROVED FOR CERTIFICATE PROGRAMS AND OTHER MISCELLANEOUS ISSUES

**Priority:** Substantive, Nonsignificant  
**Completed:**  
<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>10/17/03</td>
<td>68 FR 59729</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>10/17/03</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Randy A. McKevitt  
Phone: 202 273—7211  
Fax: 202 273—1728  
Email: caprmcke@vba.va.gov  
**RIN:** 2900–AL29

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

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 3.309(c)  
**Completed:**  
<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>07/18/03</td>
<td>68 FR 42602</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>07/18/03</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Beth McCoy  
Phone: 716 551—4842  
**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:**  
<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrewn</td>
<td>05/19/03</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Karen Barber  
Phone: 202 273—5183  
Fax: 202 273—6697  
Email: karen.barber@mail.va.gov  
**RIN:** 2900–AL50

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

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 38 CFR 21.7636  
**Completed:**  
<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>07/21/03</td>
<td>68 FR 42977</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>07/21/03</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** David Joseph Barrans  
Phone: 202 273—6332  
**RIN:** 2900–AL37

### 3119. HEADSTONE AND MARKER INSCRIPTION

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 38 CFR 1.630  
**Completed:**  
<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawn</td>
<td>05/19/03</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Cheryl Konieczny  
Phone: 202 273—6779  
**RIN:** 2900–AL62

### 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:**  
<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrewn</td>
<td>09/12/03</td>
<td>68 FR 53705</td>
</tr>
</tbody>
</table>
3124. BOARD OF VETERANS’ APPEALS: SPEEDING APPELLATE REVIEW FOR AGING VETERANS
Priority: Other Significant
CFR Citation: 38 CFR 20.900(c)
Completed:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>09/12/03</td>
<td>68 FR 53682</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None
Agency Contact: Donald E. Kaliher
Phone: 202 273—8819
Fax: 202 273—9302
Email: donald.kaliher@mail.va.gov
RIN: 2900–AI99

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:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>08/26/03</td>
<td>68 FR 51334</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>09/25/03</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None
Agency Contact: Steven L. Keller
Phone: 202 565—5978
Fax: 202 565—2801
Email: steven.keller@mail.va.gov
RIN: 2900–AL42

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:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>05/13/03</td>
<td>68 FR 25503</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>05/13/03</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None
Agency Contact: Robert C. McFetridge
Phone: 202 273—9215
Fax: 202 273—5511
Email: robert.mcfetridge@mail.va.gov
RIN: 2900–AL61

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

<table>
<thead>
<tr>
<th>Reason</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>06/13/03</td>
<td>68 FR 35297</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>08/12/03</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None
Agency Contact: Tanya Al—Khateeb
Phone: 202 273—6381
Fax: 202 273—5511
Email: tanya.al-khateeb@mail.va.gov
RIN: 2900–AH98

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