Monday,
April 30, 2007

Part XVII

Department of Veterans Affairs

Semiannual Regulatory Agenda
DEPARTMENT OF VETERANS AFFAIRS (VA)

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning in the spring 2007. The purpose in publishing the Department’s regulatory agenda is to allow all interested persons the opportunity to participate in VA’s regulatory planning.

ADRESSES: 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: Janet Coleman at (202) 273-9145.

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 they will have under development or review.

Robert C. McFetridge, Assistant to the Secretary, Regulation Policy and Management (00REG).

Department of Veterans Affairs—Proposed Rule Stage

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Department of Veterans Affairs—Final Rule Stage

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Department of Veterans Affairs (VA) Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION

2595. BENEFICIARY TRAVEL
Priority: Other Significant
Legal Authority: 38 USC 111
CFR Citation: 38 CFR 17.143; 38 CFR 17.144; 38 CFR 17.145; 38 CFR 70 (new)
Legal Deadline: None
Abstract: The Department of Veterans Affairs proposes to revise its beneficiary travel regulations authorized under 38 U.S.C. 111. These regulations are intended to provide a mechanism for paying travel expenses to help veterans and other persons obtain services from the Veterans Health Administration.

Timetable:

Action
NPRM
Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: www.regulations.gov
Agency Contact: Tony Guagliardo, Director of Business Policy, Chief Business Office (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254–0384
RIN: 2900–AM02

2596. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA)—EXPANSION OF BENEFIT COVERAGE FOR ENURETIC DEVICES AND CERTAIN PROSTHESSES AND DELEGATIONS OF AUTHORITY
Priority: Substantive, Nonsignificant
Legal Authority: PL 105–85, sec 702; PL 105–17, sec 640; 38 USC 1781
CFR Citation: 38 CFR 17.272(a)(31); 38 CFR 17.272(a)(41)
Legal Deadline: None
Abstract: This document proposes to expand beneficiary coverage for certain prostheses; e.g., noses, ears, and fingers, used in the medically necessary treatment of certain medical conditions and removes from exclusions, enuretic devices, as provided under the CHAMPVA Program. Additionally, this proposed rule would provide clarification of the delegation of authority related to timely claim filing and the claim appeals/review process. Since Public Law 107-135 redesignates CHAMPVA authority in 38 U.S.C. 1713 to 38 U.S.C. 1781, this document would also revise the authority citations for the CHAMPVA regulations.

Timetable:

Action
NPRM
Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: varegulations@va.gov
Agency Contact: Richard Trabert, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206–9023
Phone: 303 331–7549
Email: richard.trabert@med.va.gov
Kevin Jobes, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206–9023
Phone: 303 331–7664
Email: kevin.jobes@med.va.gov
RIN: 2900–AM22

2597. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA): PREVENTIVE SERVICES
Priority: Substantive, Nonsignificant
Legal Authority: 38 USC 1781
CFR Citation: 38 CFR 17.272(a)(31); 38 CFR 17.272(a)(41)
Legal Deadline: None
Abstract: This proposed rule would amend VA’s medical regulations by removing the exclusion for preventive services. CHAMPVA is proposing these changes to permit coverage of preventive services that are considered medically necessary and appropriate within the medical community and reflect modern medical practice that is supported by current medical literature.

Timetable:

Action
NPRM
Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: varegulations@va.gov
Agency Contact: Richard Trabert, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206–9023
Phone: 303 331–7549
Email: richard.trabert@med.va.gov
Kevin Jobes, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206–9023
Phone: 303 331–7664
Email: kevin.jobes@med.va.gov
RIN: 2900–AM22
Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments:
Agency Contact: Richard Trabert, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206–9023
Phone: 303 331–7664
Email: richard.trabert@med.va.gov
Kevin Jobes, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206–9023
Phone: 303 331–7549
Email: kevin.jobes@med.va.gov

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2598. CARE AND SERVICES DURING CERTAIN DISASTERS AND EMERGENCIES
Priority: Substantive, Nonsignificant
Legal Authority: 38 USC 1785
CFR Citation: None
Legal Deadline: None
Abstract: This document proposes to amend the Department of Veterans Affairs' regulations concerning medical services, domiciliary and nursing home care. On November 7, 2002, the President signed into law the Department of Veterans Affairs Emergency Preparedness Act of 2002. Section 1785 authorized the Secretary of Veterans Affairs to provide hospital care and medical services to individuals impacted during and immediately following a disaster or emergency authorized under 38 U.S.C. 1785.

Timetable:
Action Date FR Cite
NPRM 06/00/07
Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Federal
Federalism: Undetermined
URL For Public Comments:
Agency Contact: Roscoe G. Butler, Deputy Director, Business Policy, CBO (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254–0329
Fax: 202 273–9609
Email: roscoe.butler@va.gov
RIN: 2900–AM40

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2599. ENROLLMENT AND COPAYMENTS
Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Legal Authority: 38 USC 1710; 38 USC 1722

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VETERANS BENEFITS ADMINISTRATION
2600. 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.

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CFR Citation: 38 CFR 17.36
Legal Deadline: None
Abstract: This document proposes to amend VA's "Medical" regulations regarding determinations concerning eligibility for enrollment in the VA health care system and for purposes of determining when a veteran is required to make copayments for such health care. This is intended to more fully reflect statutory authority and to make the regulations more efficient.

Timetable:
Action Date FR Cite
NPRM 09/00/07
Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For More Information:
Agency Contact: Roscoe G. Butler, Deputy Director, Business Policy, CBO (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254–0329
Fax: 202 273–9609
Email: roscoe.butler@va.gov
URL For Public Comments:
RIN: 2900–AM58
2601. SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE PROGRAM ELIGIBILITY PERIOD FOR ELIGIBLE CHILDREN AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant
Legal Authority: 10 USC 2141; 38 USC 101(4)(a); 38 USC 501(a); 38 USC 512; 38 USC 3002(3); 38 USC 3500 to 3566; 38 USC 5113; PL 106–419; PL 107–14;
CFR Citation: 38 CFR 21.3021; 38 CFR 21.3041; 38 CFR 21.4131
Legal Deadline: None
Abstract: The Department of Veterans Affairs is proposing to amend its education regulations to reflect changes in the eligibility period for children due to statutory provisions in Veterans Benefits and Health Care Improvement Act of 2000 and the Veterans Benefits and Expansion Acts of 2001 and 2002.

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<td>Agency Contact</td>
<td>Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 273–9515 Email: <a href="mailto:lynn.nelson@vba.va.gov">lynn.nelson@vba.va.gov</a></td>
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2602. BURIAL BENEFITS

Priority: Substantive, Nonsignificant
Legal Authority: 38 USC 101(2); 38 USC 501; 38 USC 2301 to 2305; 38 USC 2307 to 2308; 38 USC 5101; 38 USC 5303(c); 38 USC 6103 to 6105
CFR Citation: 38 CFR 3; 38 CFR 5
Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) proposes to amend its compensation and pension regulations relating to monetary burial benefits. These revisions are proposed as part of VA’s rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

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<td>Agency Contact</td>
<td>William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 273–9515 Email: <a href="mailto:bill.russo@va.gov">bill.russo@va.gov</a></td>
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2603. APPORTIONMENTS TO DEPENDENTS AND PAYMENTS TO FIDUCIARIES AND INCARCERATED BENEFICIARIES

Priority: Substantive, Nonsignificant
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. These revisions are proposed as part of VA’s rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

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<td>William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 273–9515 Email: <a href="mailto:bill.russo@va.gov">bill.russo@va.gov</a></td>
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2604. SPECIAL AND ANCILLARY BENEFITS FOR VETERANS, DEPENDENTS, AND SURVIVORS

Priority: Other Significant
Legal Authority: 38 USC 501; 10 USC 1448; 10 USC 6166; 38 USC 501(a); 38 USC 1160; 38 USC 1312; 38 USC 1323; 38 USC 1805; 38 USC 1811 to 1816; 38 USC 1821 to 1824; 38 USC 2101; 38 USC 2104; 38 USC 3501; 38 USC 5101; 38 USC 5110 to 5112; 38 USC 5304; PL 425; PL 97–377;
CFR Citation: 38 CFR 3; 38 CFR 5
Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) amends its compensation and pension regulations that govern the award and administration of special benefits for veterans, dependents, and survivors, including ancillary benefits relating to service connection (e.g., financial assistance in purchasing a vehicle and/or adaptive equipment). These revisions are part of VA’s rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

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2605. SPECIAL RATINGS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 2108; 38 USC 101(16); 38 USC 105; 38 USC 501(a); 38 USC 1110; 38 USC 1114; 38 USC 1115(i)(E); 38 USC 1702; 38 USC 1712; 38 USC 4331; 38 USC 5110(b); 38 USC 5503;

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its regulations relating to special ratings and ratings for health care eligibility only. We propose to reorganize these regulations in a more logical order, add new section and paragraph headings, rewrite certain sections, and divide certain sections into two or more separate new regulations. VA’s principal goals in rewriting and reorganizing the current regulations are to provide readers with a clearer language and more easily understood regulation requirements.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments: www.regulations.gov

Agency Contact: William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273–9515
Email: bill.russo@va.gov

Related RIN: Related to 2900–AL67

RIN: 2900–AL95

2607. GENERAL EVIDENCE REQUIREMENTS, EFFECTIVE DATES, REVISION OF DECISIONS, AND PROTECTION OF EXISTING RATINGS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 111; 38 USC 501(a); 38 USC 1110; 38 USC 1117; 38 CFR 1131; 38 CFR 1155; 38 CFR 1159; 38 CFR 5104; 38 CFR 5110; 38 CFR 5112;

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to amend its compensation and pension regulations that apply to general evidence requirements, general effective dates for new awards, revision of decisions, and protection of existing ratings, for purposes of compensation and pension benefits. These revisions are proposed as part of VA’s rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments: www.regulations.gov

Agency Contact: William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273–9515
Email: bill.russo@va.gov

Related RIN: Related to 2900–AL67

RIN: 2900–AM04
2609. PAYMENTS AND ADJUSTMENTS TO PAYMENTS
Priority: Substantive, Nonsignificant
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 regulations relating to payment of VA benefits and adjustments to payments. These revisions are proposed as part of VA’s reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format. The intended effect of the proposed revisions is to assist claimants and VA personnel in locating and understanding these regulations.
Timetable:
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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: www.regulations.gov
Agency Contact: William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–9515
Email: bill.russo@va.gov
Related RIN: Related to 2900–AL67
RIN: 2900–AM07

2610. SERVICE–CONNECTED DISABILITY COMPENSATION
Priority: Substantive, Nonsignificant
Legal Authority: 38 USC 501(a)
CFR Citation: 38 CFR 5
Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) proposes to reorganize and rewrite its regulations concerning VA’s service-connected disability compensation program. These revisions are proposed as part of VA’s reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format. The intended effect of the proposed revisions is to assist claimants and VA personnel in locating and understanding these regulations.
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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: www.regulations.gov
Agency Contact: William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–9515
Email: bill.russo@va.gov
Related RIN: Related to 2900–AL67
RIN: 2900–AM06

2611. VA BENEFIT CLAIMS
Priority: Other Significant
Legal Authority: 38 USC 501(a); 38 USC 5101; 38 USC 5102; 38 USC 5103A; 38 USC 5108; 38 USC 5110; 38 USC 7105
CFR Citation: 38 CFR 3; 38 CFR 5; 38 CFR 20
Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) proposes to add regulations concerning claims for VA benefits to its new regulations governing VA compensation, pension, burial, and related benefits. These revisions are proposed as part of VA’s rewrite and reorganization of those rules in a logical, claimant-focused, and more user-friendly format. The intended effect of the proposed revisions is to assist claimants and VA personnel in locating and understanding these claims provisions.
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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: www.regulations.gov
Agency Contact: Trude M. Steele, Consultant, Department of Veterans Affairs, Veterans Benefits Administration (211A), 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7210
Fax: 202 275–1728
Email: capstee@vba.va.gov
RIN: 2900–AM34

2612. CLAIMS FILE FOR VA MEDICAL EXAMINATIONS AND OPINIONS
Priority: Substantive, Nonsignificant
Legal Authority: 38 USC 501(a); 38 USC 5130A
CFR Citation: 38 CFR 3.159
Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations regarding VA medical examinations and opinions pursuant to VA’s duty to assist. This proposed rule would clarify that, notwithstanding that a VA medical examination or opinion may be necessary in certain cases, there is no commensurate right to have the claims folder reviewed by the VA examiner in every case. This change is required to reflect legal developments and facilitate efficient processing of VA claims. The intended effect of this amendment is to clarify current regulatory provisions and ensure consistency in the administration of VA claims.
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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: www.regulations.gov
Agency Contact: Trude M. Steele, Consultant, Department of Veterans Affairs, Veterans Benefits Administration (211A), 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7210
Fax: 202 275–1728
Email: capstee@vba.va.gov
RIN: 2900–AM34

2613. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—DUTY TO ASSIST
Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Legal Authority: 38 USC 5102; 38 USC 5103; 38 USC 5103A
CFR Citation: 38 CFR 21.32; 38 CFR 21.33

Legal Deadline: None

Abstract: This document proposes to amend the vocational rehabilitation and employment regulations of the Department of Veterans Affairs (VA) concerning VA responsibilities when a claim for vocational rehabilitation benefits and services is filed by an individual. The Veterans Claims Assistance Act of 2000 (VCAA) expanded VA’s duty to assist claimants in substantiating their claims for benefits. Upon receipt of a substantially complete application for benefits, VA’s duty under the VCAA is to make reasonable efforts to help the claimant obtain the evidence necessary to substantiate the claim. This effort is commonly referred to as the “duty to assist.” In addition, we propose to improve readability and to make other clarifying changes that are nonsubstantive.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Alvin Bauman, Senior Policy Analyst, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7435
Email: alvin.bauman1@vba.va.gov

RIN: 2900–AM54

2616. SCHEDULE FOR RATING DISABILITIES; THE DIGESTIVE SYSTEM

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.110; 38 CFR 4.111; 38 CFR 4.113; 38 CFR 4.114

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is proposing to amend that portion of its Schedule for Rating Disabilities that addresses the Digestive System in order to update it to ensure that it uses current medical terminology and unambiguous criteria, and that it reflects medical advances that have occurred since the last review.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: None

Government Levels Affected: None

URL For More Information: maya.d.ferrandino@vba.va.gov

URL For Public Comments: www.regulations.gov
BOARD OF VETERANS APPEALS

2617. SUPPLEMENTAL STATEMENT OF THE CASE

Priority: Other Significant

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

CFR Citation: 38 CFR 19.38; 38 CFR 20.302; 38 CFR 20.303

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) amends its regulations regarding the time limit for filing a response to a Supplemental Statement of the Case. We will change the response period from 60 days to 30 days. The purpose of the change is to improve efficiency in the appeals process and reduce the time it takes to resolve an appeal, while still providing an appellant with a reasonable period of time to respond to a Supplemental Statement of the Case.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments: www.regulations.gov

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
Email: steve.keller@va.gov

RIN: 2900–AM49

OFFICE OF THE GENERAL COUNSEL

2618. ACCREDITATION OF AGENTS AND ATTORNEYS; AGENT AND ATTORNEY FEES

Priority: Other Significant

Legal Authority: 38 USC 501; 38 USC 5092; 38 USC 5093; 38 USC 5094; PL 109–461


Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its regulations governing the representation of claimants for veterans benefits in order to implement provisions of the Veterans Benefits, Health Care, and Information Technology Act of 2006, and to reorganize and clarify existing regulations. The proposed regulation would establish the procedures and rules necessary for VA to facilitate the paid representation of claimants by accredited agents and attorneys after a notice of disagreement has been filed with respect to a case. The intended effect of these regulations is to fulfill Congress’ intent by expanding the scope of paid agent and attorney representation while ensuring that claimants for veterans benefits have responsible qualified representation in the preparation, presentation, and prosecution of claims for veterans benefits.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments: www.regulations.gov

Agency Contact: Michael G. Daugherty, Staff Attorney, Office of General Counsel (022G2), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273–6315
Email: mikeg.daugherty@va.gov

RIN: 2900–AM62

Department of Veterans Affairs (VA)

VETERANS HEALTH ADMINISTRATION

2619. GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES

Priority: Other Significant

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.216; 38 CFR 17.222

Legal Deadline: None

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

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Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

URL For Public Comments: www.regulations.gov

Agency Contact: Frank Salvas, Chief, State Home Construction Grant
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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:** www.regulations.gov

**Agency Contact:** Dr. Christa Hojlo, Acting Chief, State Home Per Diem Grant Program, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

**Phone:** 202 254–0344

**Email:** christa.hojlo@va.gov

**RIN:** 2900–AM26

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### 2620. MEDICATION PRESCRIBED BY NON–VA PHYSICIANS

**Priority:** Other Significant

**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:** The Department of Veterans Affairs is amending its 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, 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:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:** www.regulations.gov

**Agency Contact:** Virginia Torrise, Deputy Chief Consultant (119), Department of VA Final Rule Stage

**RIN:** 2900–AL68

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### 2621. GRANTS FOR THE HIRING AND RETENTION OF NURSES IN THE STATE HOME PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 101; 38 USC 501; 38 USC 1744

**CFR Citation:** 38 CFR 53

**Legal Deadline:** None

**Abstract:** This document establishes a new part to set forth the mechanism for a State to obtain payments from VA to assist a State home in the hiring and retention of nurses for the purpose of reducing nursing shortages at that home. This implements provisions of the Veterans Health Programs Improvement Act of 2004.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:** www.regulations.gov

**Agency Contact:** Virginia Torrise, Deputy Chief Consultant (119), Department of Administration, 810 Vermont Avenue NW, Washington, DC 20420

**Phone:** 202 273–8427

**Email:** virginia.torris@hq.med.va.gov

**RIN:** 2900–AL68

---

### 2622. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES

**Priority:** Other Significant

**Legal Authority:** 38 USC 1729

**CFR Citation:** 38 CFR 17.101

**Legal Deadline:** None

**Abstract:** This document amends the regulations regarding VA’s reasonable charges methodologies for the following purposes: To make changes to current modifier and provider discount applied to reasonable charges; streamline the process for charge development so as to create flexibility for the provision of national charges on a quarterly basis; to accommodate the additional language required to describe the development of charges for new Inpatient DRGs and Outpatient CPT/HCPCS codes; and to further clarify the use of our no charge algorithm (NCA).

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** None

**Government Levels Affected:** None

**URL For Public Comments:** www.regulations.gov

**Agency Contact:** Romona D. Greene, Manager, Rates and Charges, Department of Veterans Affairs, 810 Vermont Avenue NW, Department 168, Washington, DC 20420

**Phone:** 202 254–0361

**Fax:** 202 254–0395

**Email:** romona.greene@hq.med.va.gov

**Related RIN:** Related to 2900–AL06

**RIN:** 2900–AM35

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### 2623. ELIMINATION OF COPAYMENT FOR WEIGHT MANAGEMENT COUNSELING

**Priority:** Other Significant

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

**CFR Citation:** 38 CFR 17.108

**Legal Deadline:** None

**Abstract:** This interim final rule amends the Department of Veterans Affairs (VA) medical regulations concerning copayment for inpatient hospital care and outpatient medical care. More specifically, this rule designates weight management counseling (individual and group sessions) as a service that is not subject to copayment requirements. The intended effect of this interim final rule is to increase participation in weight management counseling by removing the copayment barrier.
VA

2624. DISCLOSURE OF INFORMATION TO PROCUREMENT ORGANIZATIONS

Priority: Other Significant
Legal Authority: 38 USC 501; 42 USC 1138(a); FL 109–461
CFR Citation: 38 CFR 1.460; 38 CFR 1.485a (new); 38 CFR 1.514b (new)
Abstract: This document amends the Department of Veterans Affairs (VA) regulations to implement certain provisions of the Veterans Benefits, Health Care, and Information Technology Act of 2006. The regulatory changes will allow VA to honor veterans’ wishes to be an organ donor by providing authority for VA to provide procurement organizations (organ procurement, eye banks and tissue banks) with VA medical records of such veterans to determine their suitability for donation under a VA-approved agreement.

Final Rule Stage

Timetable:

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<th>Action</th>
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: www.regulations.gov

Agency Contact: Stephania H. Putt
RHIA, Veterans Health Administration, Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 727 320–1839
Fax: 727 319–1016
Email: stephania.putt@va.gov
RIN: 2900–AM65

VETERANS BENEFITS ADMINISTRATION

2625. 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:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: www.regulations.gov

Agency Contact: Eileen Downey, Chief Business Office (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254–0347
Fax: 202 275–1728
Email: maya.d.ferandino@vba.va.gov
RIN: 2900–AM59

2626. VETERANS EDUCATION: INCORPORATION OF MISCELLANEOUS STATUTORY PROVISIONS

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 and also implementing provisions of Veterans Benefits Act of 2003 and Veterans Benefits, Health Care, and Information Technology Act of 2006. 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.

Final Action

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: www.regulations.gov
Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7294
2627. ADMINISTRATION OF VA EDUCATION BENEFITS—CENTRALIZED CERTIFICATION

Priority: Other Significant
Legal Authority: 38 USC 3672; 38 USC 3675; 38 USC 3676
CFR Citation: 38 CFR 21.4266

Legal Deadline: None
Abstract: This document amends 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.

Timetable:

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

URL For Public Comments: www.regulations.gov
Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7210
Fax: 202 275–2636
Email: lynn.nelson@vba.va.gov

RIN: 2900–AL28

2628. LOAN GUARANTY; LOAN SERVICING AND CLAIMS PROCEDURES MODIFICATION

Priority: Other Significant
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 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:

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

URL For Public Comments: www.regulations.gov
Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7210
Fax: 202 275–2636
Email: lynn.nelson@vba.va.gov

RIN: 2900–AL43

2629. NOTICE AND ASSISTANCE REQUIREMENTS

Priority: Other Significant
Legal Authority: 38 USC 501(a); 38 USC 5103; 38 USC 5103A
CFR Citation: 38 CFR 3.159

Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) proposes to revise the regulations governing VA’s duty to provide a claimant with notice of the information and evidence necessary to substantiate a claim as required under 38 U.S.C. 5103(a). The purpose of these proposed changes is to clarify when VA’s duty to notify a claimant of how to substantiate a claim for benefits arises under 38 U.S.C. 5103(a), the responsibilities of claimants to substantiate a claim, and the effect of various actions of the parties relating to substantiating a claim.

Timetable:

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

URL For Public Comments: www.regulations.gov
Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7210
Fax: 202 275–1728
Email: lynn.nelson@vba.va.gov

RIN: 2900–AL65

2630. DEPARTMENT OF VETERANS AFFAIRS IMPLEMENTATION OF OMB GUIDANCE ON NONPROCUREMENT DEBARMENT AND SUSPENSION

Priority: Substantive, Nonsignificant
Legal Authority: 38 USC 501
CFR Citation: 2 CFR 801; 38 CFR 44

Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) is issuing a part 801 on nonprocurement debarment and suspension in 2 CFR as one of a set of related actions by the Office of Management and Budget (OMB) and Federal agencies. This part is the Department of Veterans Affairs implementation of the Office of Management and Budget (OMB) guidance on nonprocurement and suspension. The Department of Veterans Affairs is removing 38 CFR part 44, the part containing VA’s implementation of the Government wide common rule on nonprocurement

Timetable:

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

URL For Public Comments: www.regulations.gov
Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7210
Fax: 202 275–1728
Email: lynn.nelson@vba.va.gov

RIN: 2900–AL65
The Department of Veterans Affairs (VA) is issuing this interim final rule to amend its adjudication regulations regarding compensation for disabilities resulting from undiagnosed illnesses suffered by veterans who served in the Persian Gulf War. This amendment is necessary to extend the presumptive period for qualifying chronic disabilities resulting from undiagnosed illnesses that must become manifest to a compensable degree in order that entitlement for compensation be established. The intended effect of this amendment is to provide consistency in VA adjudication policy and preserve certain rights afforded to Persian Gulf War veterans and ensure fairness for current and future Persian Gulf War veterans.

### Timetable:

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### Government Levels Affected: None

### URL For More Information:
rhonda.ford@vba.va.gov

### URL For Public Comments:
www.regulations.gov

### Agency Contact:
Rhonda F. Ford, Consultant, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
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Fax: 202 275–1728
Email: rhonda.ford@vba.va.gov

### RIN: 2900–AM45

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2632. EXTENSION OF THE PRESUMPTIVE PERIOD FOR COMPENSATION FOR GULF WAR VETERANS

### Priority: Other Significant

### Legal Authority: 38 USC 118; 38 USC 117

### CFR Citation: 38 CFR 3.317

### Legal Deadline: None

### Abstract:
The Department of Veterans Affairs (VA) is issuing this interim final rule to amend its adjudication regulations regarding compensation for disabilities resulting from undiagnosed illnesses suffered by veterans who served in the Persian Gulf War. This amendment is necessary to extend the presumptive period for qualifying chronic disabilities resulting from undiagnosed illnesses that must become manifest to a compensable degree in order that entitlement for compensation be established. The intended effect of this amendment is to provide consistency in VA adjudication policy and preserve certain rights afforded to Persian Gulf War veterans and ensure fairness for current and future Persian Gulf War veterans.

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### Government Levels Affected: None

### URL For More Information:
rhonda.ford@vba.va.gov

### URL For Public Comments:
www.regulations.gov

### Agency Contact:
Rhonda F. Ford, Consultant, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7210
Fax: 202 275–1728
Email: rhonda.ford@vba.va.gov

### RIN: 2900–AM45
OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

2634. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATIONS PLAIN LANGUAGE REWRITE

Priority: Other Significant
Legal Authority: 38 USC 501; 40 USC 121(c ); 38 USC 8153
CFR Citation: 48 CFR 8
Legal Deadline: None
Abstract: This rulemaking action amends the Department of Veterans Affairs acquisition regulation to update position titles, to remove obsolete or duplicative material, to delegate authority, and to make plain language revisions to the text. In addition, the rule updates material to correspond to the requirements of the Federal Acquisition Regulation (FAR) and provides agency procedures for compliance with FAR requirements.

Timetable:

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NATIONAL CEMETERY SYSTEM

2635. HEADSTONE AND MARKER APPLICATION PROCESS

Priority: Other Significant
Legal Authority: 38 USC 501; 38 USC 2404
CFR Citation: 38 CFR 38.632
Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) proposes to amend its regulations concerning headstones and markers furnished by the Government through the National Cemetery Administration (NCA) headstone and marker program. The proposed amendments are necessary to update ordering procedures for headstones and markers and to provide instructions for requesting the addition of a new emblem of belief to VA’s list of emblems of belief available for inscription on Government-furnished headstones and markers. The proposed amendments would also establish criteria to guide VA’s decisions on requests to add new emblems of belief to the list.

Timetable:

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OFFICE OF THE GENERAL COUNSEL

2636. ACCREDITATION OF SERVICE ORGANIZATION REPRESENTATIVES

Priority: Other Significant
Legal Authority: 5 USC 301; 28 USC 2671 to 2680; 38 USC 501(a), 512; 38 USC 515, 5502; 38 USC 5002 to 5005; 28 CFR 14; 28 CFR 14, appendix
CFR Citation: 38 CFR 14.629, 14.633
Legal Deadline: None
Abstract: The Department of Veterans Affairs (VA) is amending its regulations governing accreditation of service organization representatives of claimants for veterans’ benefits. These changes will require that recognized organizations periodically re certify the qualifications of accredited representatives, and require that VA is notified when a recognized organization requests cancellation of a representative’s accreditation based upon misconduct or lack of competence, or if a representative resigns to avoid cancellation of accreditation for misconduct or lack of competence. These changes will also require that accredited claims agents periodically reestablish their good character and reputation and qualifications to assist claimants for VA benefits. We will also clarify that the authority to cancel accreditation includes the authority to suspend accreditation for a period of time. The purpose of these changes is to ensure that claimants for veterans’ benefits have responsible, qualified representation in the preparation, presentation, and prosecution of claims.

Timetable:

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: None
Government Levels Affected: None
URL For Public Comments: www.regulations.gov
Agency Contact: Michael G. Daugherty, Staff Attorney, Office of General Counsel (022G2), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–6315
Email: mikeg.daugherty@va.gov
RIN: 2900–AM29
INFORMATION AND TECHNOLOGY

2637. • DATA BREACHES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Legal Authority: 38 USC 501; 38 USC 5724; 38 USC 5727; 38 USC 7906; PL 109–461
CFR Citation: 38 CFR 75

Abstract: This document establishes regulations to address Data Breaches regarding sensitive personal information that is processed or maintained by the Department of Veterans Affairs. The regulations implement certain provisions of title IX of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Pub. L. 109–461).

Timetable:
Action                  Date            FR Cite
Interim Final Rule     06/00/07

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None
URL For Public Comments: www.regulations.gov
Agency Contact: Terry Simmons, Information Technology Specialist, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–6870
Email: terry.simmons1@va.gov
RIN: 2900–AM63

PROGRAM COORDINATION AND EVALUATION

2638. • TRANSFER OF FUNCTIONS—DELEGATION OF AUTHORITY

Priority: Info./Admin./Other
Legal Authority: 38 USC 512
CFR Citation: 38 CFR 2.6(j)
Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) delegation regulation that authorizes a VA official to take final action on complaints of employment discrimination when the Office of Employment Discrimination Complaint Adjudication recuses itself due to a conflict of interest. The amendment reflects that the Secretary’s delegation of authority to take such action is transferred from the Chairman, Board of Contract Appeals to the Chairman, Board of Veterans Appeals, and clarifies that such authority includes the awarding of remedial relief in cases where there has been a finding of discrimination.

Timetable:
Action                  Date            FR Cite
Final Action            09/00/07

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None
URL For More Information: charles.delobe@va.gov
URL For Public Comments: regulations.gov
Agency Contact: Chuck Delobe, Deputy Assistant General (024B), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254–0063
Fax: 202 254–0159
Email: chuck.delobe@va.gov
RIN: 2900–AM61

Department of Veterans Affairs (VA)

VETERANS HEALTH ADMINISTRATION

2639. ENROLLMENT—PROVISION OF HOSPITAL AND OUTPATIENT CARE TO VETERANS—SUBPRIORITIES OF PRIORITY CATEGORIES 7 AND 8 AND ENROLLMENT LEVEL DECISION

Priority: Economically Significant. Major under 5 USC 801.
CFR Citation: 38 CFR 17.36

Timetable:
Action                  Date            FR Cite
Interim Final Rule      01/17/03          68 FR 2670
Interim Final Rule      01/17/03
Effective
Interim Final Rule      03/18/03
Comment Period End
Final Action            To Be Determined

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Patti Barnett
Phone: 202 273–8927
RIN: 2900–AL51
### VA Long-Term Actions

#### VETERANS BENEFITS ADMINISTRATION

**2640. SERVICE REQUIREMENTS FOR VETERANS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 38 CFR 3; 38 CFR 5  
**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** William F. Russo  
Phone: 202 273–9515  
Email: bill.russo@va.gov  
**RIN:** 2900–AL67

**2641. PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISABILITIES AND RELATED MATTERS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 38 CFR 3; 38 CFR 5  
**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** William F. Russo  
Phone: 202 273–9515  
Email: bill.russo@va.gov  
**RIN:** 2900–AL70

**2642. ACCRUED BENEFITS, DEATH COMPENSATION, AND SPECIAL RULES APPLICABLE UPON DEATH OF A BENEFICIARY**

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 3; 38 CFR 5  
**Timetable:**

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**2643. BENEFITS FOR CERTAIN FILIPINO VETERANS AND SURVIVORS**

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 3; 38 CFR 5;  
**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** William F. Russo  
Phone: 202 273–9515  
Email: bill.russo@va.gov  
**RIN:** 2900–AL71

**2644. DUTIES OF VA; RIGHTS AND RESPONSIBILITIES OF CLAIMANTS AND BENEFICIARIES**

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 3; 38 CFR 5  
**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** William F. Russo  
Phone: 202 273–9515  
Email: bill.russo@va.gov  
**RIN:** 2900–AL76

**2645. ELECTIONS OF IMPROVED PENSION; OLD–LAW AND SECTION 306 PENSION**

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 3; 38 CFR 5  
**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** William F. Russo  
Phone: 202 273–9515  
Email: bill.russo@va.gov  
**RIN:** 2900–AL82

**2646. GENERAL PROVISIONS**

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 3; 38 CFR 5  
**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** William F. Russo  
Phone: 202 273–9515  
Email: bill.russo@va.gov  
**RIN:** 2900–AL83

**2647. DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS**

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 5
Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William F. Russo
Phone: 202 273–9515
Email: bill.russo@va.gov

Related RIN: Related to 2900–AL67
RIN: 2900–AL89

2648. DEPENDENTS AND SURVIVORS

Priority: Other Significant

CFR Citation: 38 CFR 3; 38 CFR 5

Completed Actions

2650. INFORMED CONSENT—EXTENSION OF TIME PERIOD AND MODIFICATION OF WITNESS REQUIREMENT FOR SIGNATURE CONSENT

Priority: Other Significant

CFR Citation: 38 CFR 17.32

Completed:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ruth Cecire
Phone: 202 501–2012
Fax: 202 501–2238
Email: ruth.cecire@va.gov

Related RIN: Related to 2900–AM19
RIN: 2900–AM21

2651. INFORMED CONSENT—DESIGNATE HEALTH CARE PROFESSIONALS TO OBTAIN INFORMED CONSENT

Priority: Other Significant

CFR Citation: 38 CFR 17.32

Completed:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Frank Salvas
Phone: 202 273–8534

RIN: 2900–AM42

2653. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA)—QUALIFYING EVENT DATE AND DUAL ELIGIBILITY

Priority: Other Significant

CFR Citation: 38 CFR 17.271

Completed:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Trabert
Phone: 303 331–7549
Email: richard.trabert@med.va.gov

RIN: 2900–AM43
### VA

**2654. FILIPINO VETERANS' BENEFIT IMPROVEMENTS**

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 3.8; 38 CFR 3.10; 38 CFR 3.1600  
**Completed:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Maya Ferrandino  
Phone: 202 273–7210  
Fax: 202 275–1728  
Email: maya.d.ferrandino@vba.va.gov  
**Related RIN:** Related to 2900–AL76  
**RIN:** 2900–AK65

### 2655. VETERANS AND DEPENDENTS EDUCATION: TOPPING-UP TUITION ASSISTANCE; LICENSING AND CERTIFICATION TESTS; DUTY TO ASSIST EDUCATION CLAIMANTS

**Priority:** Other Significant  
**Completed:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Lynn M. Nelson  
Phone: 202 273–7294  
Fax: 202 275–2636  
Email: lynn.nelson@vba.va.gov  
**RIN:** 2900–AK80

### 2656. SCHEDULE FOR RATING DISABILITIES; EVALUATION OF MULTIPLE SCARS

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 38 CFR 4.118  
**Completed:**

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**Regulatory Flexibility Analysis**  
**Required:** No

### 2657. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—STATUTORY AMENDMENTS, U.S. COURT OF APPEALS FOR VETERANS CLAIMS DECISIONS, POLICY REVISIONS, AND READER–FOCUSED PLAIN ENGLISH REGULATIONS

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 38 CFR 21, subpart A  
**Completed:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Rhonda F. Ford  
Phone: 202 273–7210  
Fax: 202 275–1728  
Email: rhonda.ford@vba.va.gov  
**RIN:** 2900–AL32

### 2658. LOAN GUARANTY: AMENDMENTS TO HYBRID ADJUSTABLE RATE MORTGAGES

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 38 CFR 36.4311(d)  
**Completed:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Catherine Kruger  
Phone: 202 273–7344  
**RIN:** 2900–AL78

### 2659. TRANSFER OF MONTGOMERY GI BILL—ACTIVE DUTY ENTITLEMENT TO DEPENDENTS

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 21.7139  
**Completed:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** William White  
Phone: 202 273–7368  
Fax: 202 275–3523  
Email: william.white@vba.va.gov  
**RIN:** 2900–AL92

### 2660. PHASE–IN OF FULL CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 3.750  
**Completed:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Maya Ferrandino  
Phone: 202 273–7210  
Fax: 202 275–1728  
Email: maya.d.ferrandino@vba.va.gov  
**RIN:** 2900–AM13

### 2661. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—INITIAL EVALUATIONS

**Priority:** Other Significant  
**CFR Citation:** 38 CFR 21.50; 38 CFR 21.51; 38 CFR 21.52; 38 CFR 21.8032  
**Completed:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Alvin Bauman  
Phone: 202 273–7435
2662. ACCRUED BENEFITS
Priority: Other Significant
CFR Citation: 38 CFR 3.1000
Completed:

Reason Date FR Cite
Final Action 12/29/06 71 FR 78368
Final Action Effective 01/29/07

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Maya Ferrandino
Phone: 202 273–7210
Fax: 202 275–1728
Email: maya.d.ferandino@vba.va.gov
RIN: 2900–AM25

2663. LOAN GUARANTY: FEES AND CHARGES
Priority: Substantive, Nonsignificant
CFR Citation: 38 CFR 36.4312
Completed:

Reason Date FR Cite
Withdrawn 10/16/06

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: William White
Phone: 202 273–7368
Fax: 202 275–3523
Email: william.white@vba.va.gov
RIN: 2900–AM28

2664. TRAUMATIC INJURY PROTECTION RIDER TO SERVICEMEMBERS’ GROUP LIFE INSURANCE
CFR Citation: 38 CFR 9.20
Completed:

Reason Date FR Cite
Final Action 03/08/07 72 FR 10362
Final Action Effective 03/08/07

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Gregory C. Hosmer
Phone: 215 842–2000
Fax: 215 381–3502
Email: gregory.hosmer@vba.va.gov
RIN: 2900–AM36

2665. HOME SCHOOLING AND EDUCATIONAL INSTITUTION
Priority: Other Significant
CFR Citation: 38 CFR 3.57
Completed:

Reason Date FR Cite
Final Action 02/14/07 72 FR 6958

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Maya Ferrandino
Phone: 202 273–7210
Fax: 202 275–1728
Email: maya.d.ferandino@vba.va.gov
RIN: 2900–AM37

2666. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—ENTITLEMENT AND TERMINATION OF ENTITLEMENT
Priority: Other Significant
CFR Citation: 38 CFR 21.40; 38 CFR 21.48
Completed:

Reason Date FR Cite
Withdrawn 10/04/06 72 FR 6958

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Catherine Kruger
Phone: 202 273–7344
Email: catherine.kruger@vba.va.gov
RIN: 2900–AM41

2667. CLAIMS FOR DISABILITY BENEFITS
Priority: Other Significant
CFR Citation: 38 CFR 3.151
Completed:

Reason Date FR Cite
Withdrawn 01/26/07 72 FR 10362

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Gregory C. Hosmer
Phone: 215 842–2000
Fax: 215 381–3502
Email: gregory.hosmer@vba.va.gov
RIN: 2900–AM46

2668. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—REDETERMINATIONS REGARDING VOCATIONAL REHABILITATION BENEFITS AND SERVICES
Priority: Other Significant
CFR Citation: 38 CFR 21.58
Completed:

Reason Date FR Cite
Withdrawn 03/23/07

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Alvin Bauman
Phone: 202 273–7435
Email: alvin.bauman1@vba.va.gov
RIN: 2900–AM51

2669. PROCEDURAL DUE PROCESS
Priority: Other Significant
CFR Citation: 38 CFR 3.103; 38 CFR 3.105
Completed:

Reason Date FR Cite
Withdrawn 03/29/07

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Maya Ferrandino
Phone: 202 273–7210
Fax: 202 275–1728
Email: maya.d.ferandino@vba.va.gov
RIN: 2900–AM52

2670. SCHEDULE FOR RATING DISABILITIES; APPENDICES A, B, AND C
Priority: Other Significant
Legal Authority: 38 USC 1155
CFR Citation: 38 CFR 4, subpart B
Legal Deadline: None
Abstract: The Department of Veterans Affairs is amending the Schedule for Rating Disabilities, Appendices A, B, and C, in order to update it to ensure...
that all historical information is included in Appendix A and all current disability codes and terminology are incorporated in Appendices B and C.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Trude M. Steele, Consultant, Department of Veterans Affairs, Veterans Benefits Administration (211A), 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7210
Fax: 202 275–1728
Email: captstee@vba.va.gov

**RIN:** 2900–AM60

### 2671. BOARD OF VETERANS’ APPEALS: REMAND OR REFERRAL TO THE AGENCY OF ORIGINAL JURISDICTION

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 19.9

**Completed:**

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**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Steven L. Keller
Phone: 202 565–5978
Email: steve.keller@va.gov

**RIN:** 2900–AM30

### 2672. DELEGATIONS OF AUTHORITY; NATIONAL CEMETERY ADMINISTRATION

**Priority:** Info./Admin./Other

**CFR Citation:** 38 CFR 2.6

**Completed:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** 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–AM18

[FR Doc. 07–01259 Filed 04–27–07; 8:45 am]

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