



Federal Register

**Monday,
May 16, 2005**

Part XVII

**Department of
Veterans Affairs**

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Veterans Affairs.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning in the spring

2005. 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: Millicent Dew 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.

Robert C. McFetridge,
Director, Regulations Management.

Department of Veterans Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2782	Use of VA Form 10-10EZ and Signature of Requirements for Certain VA Forms	2900-AL91
2783	Beneficiary Travel	2900-AM02
2784	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
2785	Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty To Assist Education Claimants	2900-AK80
2786	Administration of VA Education Benefits—Centralized Certification	2900-AL43
2787	Survivors’ and Dependents’ Educational Assistance Program Eligibility Period for Eligible Children and Other Miscellaneous Issues	2900-AL44
2788	Loan Guaranty: Assistance to Certain Disabled Veterans in Acquiring Specially Adapted Housing	2900-AL58
2789	Burial Benefits	2900-AL72
2790	Rules on Apportionments to Dependents; Payments to Fiduciaries and Incarcerated Beneficiaries	2900-AL74
2791	Regulations Related to Payments and Adjustments to Payments	2900-AL75
2792	Claims Based on Service in the Philippine Armed Forces	2900-AL76
2793	Vocational Rehabilitation and Employment Program—Statutory Amendments, U.S. Court of Appeals for Veterans Claims Decisions, Policy Revisions, and Reader-Focused Plain English Regulations	2900-AL78
2794	Duties of VA; Rights and Responsibilities of Claimants and Beneficiaries	2900-AL82
2795	Special and Ancillary Benefits for Veterans, Dependents, and Survivors	2900-AL84
2796	General Provisions	2900-AL87
2797	Special Ratings	2900-AL88
2798	Dependency and Indemnify Compensation Benefits	2900-AL89
2799	Loan Guaranty: Amendments to Hybrid Adjustable Rate Mortgages	2900-AL92
2800	Dependents of Veterans	2900-AL94
2801	Payments to Beneficiaries Who Are Eligible for More Than One Benefit	2900-AL95
2802	General Evidence Requirements, Effective Dates, Revision of Decisions, and Protection of Existing Ratings	2900-AM01
2803	Improved Pension	2900-AM04
2804	Matters Affecting Receipt of Benefits	2900-AM05
2805	Payments and Adjustments to Payments	2900-AM06
2806	Service-Connected Disability Compensation	2900-AM07
2807	Phase-In of Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation for Certain Military Retirees	2900-AM13
2808	New and Material Evidence	2900-AM15
2809	VA Benefits Claims	2900-AM16
2810	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite	2900-AK78
2811	Board of Veterans’ Appeals: Clarification of a Notice of Disagreement	2900-AL97
2812	Applications, Claims, and Notice Requirements	2900-AM17

VA

Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2813	Advanced Health Care Planning	2900-AJ28
2814	Grants to States for Construction and Acquisition of State Home Facilities	2900-AJ43
2815	Enrollment—Provision of Hospital and Outpatient Care to Veterans—Subpriorities of Priority Categories 7 and 8 and Enrollment Level Decision	2900-AL51
2816	Patients' Rights	2900-AL66
2817	Medication Prescribed by Non-VA Physicians	2900-AL68
2818	Federal Policy for the Protection of Human Subjects Technical Amendment	2900-AL99
2819	Eligibility for Health Care Benefits for Certain Filipino Veterans in the United States	2900-AM03
2820	Elimination of Co-Pay for Smoking Cessation Counseling	2900-AM11
2821	Total Disability Evaluations Based on Inability of the Individual To Engage in Substantially Gainful Employment	2900-AH21
2822	Schedule for Rating Disabilities—The Eye	2900-AH43
2823	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AI42
2824	Definition of Psychosis for Certain VA Purposes	2900-AK21
2825	Filipino Veterans' Benefit Improvements	2900-AK65
2826	Exceptions to Definition of Date of Receipt Based on Special or Unforeseen Circumstances	2900-AL12
2827	Schedule for Rating Disabilities; Guidelines for Application of Evaluation Criteria for Certain Respiratory and Cardiovascular Conditions; Evaluation of Hypertension With Heart Disease	2900-AL26
2828	Veterans Education: Veterans Education and Benefits Expansion Act of 2001	2900-AL28
2829	Schedule for Rating Disabilities; Evaluation of Multiple Scars	2900-AL32
2830	Loan Guaranty: Hybrid Adjustable Rate Mortgages	2900-AL54
2831	Loan Guaranty; Loan Servicing and Claims Procedures Modification	2900-AL65
2832	Service Requirements for Veterans	2900-AL67
2833	Reservists' Education: Revision of Eligibility Requirements for the Montgomery GI Bill—Selected Reserve	2900-AL69
2834	Presumptions of Service Connection for Certain Disabilities and Related Matters	2900-AL70
2835	Adjudication: Accrued Benefits and Death Compensation Benefits	2900-AL71
2836	Veterans Education: Nonpayment of VA Educational Assistance to Fugitive Felons	2900-AL79
2837	Elections of Improved Pension; Old Law and Section 306 Pension	2900-AL83
2838	Dependency and Indemnity Compensation: Surviving Spouse's Rate; Payments Based on Veterans Entitlement to Compensation for Service-Connection Disability Rated Totally Disabling for Specified Periods	2900-AL86
2839	Presumption of Sound Condition: Aggravation of a Disability by Active Service	2900-AL90
2840	Presumptions of Service Connection for Diseases Associated With Service Involving Detention or Internment as a Prisoner of War	2900-AM09
2841	Transfer of Montgomery GI Bill—Active Duty Entitlement to Dependents	2900-AM12
2842	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2900-AJ62

Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2843	Payment for Non-VA Physician and Other Health Care Professional Services Associated With Either Outpatient or Inpatient Care Provided at Non-VA Facilities	2900-AK94
2844	Loan Guaranty: Prepurchase Counseling Requirements	2900-AK76
2845	Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehabilitation Services, or Compensated Work Therapy Program	2900-AK77
2846	Time Limit for Request for De Novo Review	2900-AK97
2847	Loan Guaranty: Implementation of Public Law 107-103	2900-AL23
2848	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty	2900-AM08
2849	Exclusions From Income and Net Worth Computations	2900-AM14
2850	Board of Veterans Appeals: Appeal Regulations; Rules of Practice; Delegations of Authority	2900-AL96
2851	Relocation of National Cemetery Regulations in Title 38 CFR	2900-AM10

Department of Veterans Affairs (VA)

Proposed Rule Stage

**VETERANS HEALTH
ADMINISTRATION****2782. USE OF VA FORM 10-10EZR
AND SIGNATURE OF REQUIREMENTS
FOR CERTAIN VA FORMS**

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

Legal Authority: 38 USC 501; 38 USC
1721

CFR Citation: 38 CFR 17.36

Legal Deadline: None

Abstract: This document proposes to permit already-enrolled veterans to use a new, shorter form when they wish to update their enrollment information previously reported. The new, shorter form will decrease the information collection burden on veterans and will save them time when they are updating their financial information for VA. This document also proposes an amendment to establish who can sign VA administrative health care forms when the veteran is unable to do so. Finally, this document proposes to remove the photocopy of VA Form 10-10EZ,

Application for Health Benefits, from parts 17 and 58 of 38 CFR.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Roscoe G. Butler, Senior Management and Program Analyst (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL91

2783. 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	Date	FR Cite
NPRM	11/00/05	

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: 202 254-0406

RIN: 2900-AM02

**VETERANS BENEFITS
ADMINISTRATION****2784. EDUCATION PROVISIONS OF
THE VETERANS PROGRAMS
ENHANCEMENT ACT OF 1998**

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 16136; 38 USC 3034; 38 USC 3241; 38 USC 3485; 38 USC 3537; 38 USC 3677; 38 USC 3684; 38 USC 5101

CFR Citation: 38 CFR 21.4145; 38 CFR 21.4200; 38 CFR 21.4206; 38 CFR 21.4262

Legal Deadline: None

Abstract: This proposed rule amendment will bring VA's educational assistance regulations into agreement with the Veterans Program Enhancement Act of 1998 and Veterans Education and Expansion Act of 2001. This amendment will include making advance payments to work-study students optional rather than mandatory and revising the approval

criteria for on-job training programs offered by the Federal Government or by State or local governments. This rule is being amended to reflect additional work study opportunities provided under the Veterans Education and Benefits Expansion Act of 2001.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AJ68

**2785. VETERANS AND DEPENDENTS
EDUCATION: TOPPING-UP TUITION
ASSISTANCE; LICENSING AND
CERTIFICATION TESTS; DUTY TO
ASSIST EDUCATION CLAIMANTS**

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: Regulations implementing provisions of the Veterans Benefits and Health Care Improvement Act of 2000, Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and the Veterans Claims Assistance Act of 2000 that affect VA education benefits programs. These provisions include payment under Survivors' and Dependents' Educational Assistance Program, Post-Vietnam Era Veterans Educational Assistance Program, and

VA

Proposed Rule Stage

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	06/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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

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RIN: 2900-AK80**2786. 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 withdraws a proposed rule published in the Federal Register on June 30, 2003, at 68 FR 38657, 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. Based on the public comments received, we have determined that a revised proposed rule is necessary to develop a better proposed regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/30/03	68 FR 38657
NPRM Comment Period End	09/29/03	
Second NPRM	07/00/05	

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

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RIN: 2900-AL43**2787. 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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

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

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RIN: 2900-AL44**2788. LOAN GUARANTY: ASSISTANCE TO CERTAIN DISABLED VETERANS IN ACQUIRING SPECIALLY ADAPTED HOUSING****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 2101**CFR Citation:** 38 CFR 36.4400**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AL58**2789. BURIAL BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101(2); 38 USC 501; 38 USC 2301 to 2305; 38 USC

VA

Proposed Rule Stage

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.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL72

2790. RULES ON APPORTIONMENTS TO DEPENDENTS; 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:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Related to 2900-AL67

RIN: 2900-AL74

2791. REGULATIONS RELATED TO PAYMENTS AND ADJUSTMENTS TO PAYMENTS

Priority: Substantive, Nonsignificant

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. 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:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Related to 2900-AL67

RIN: 2900-AL75

2792. CLAIMS BASED ON SERVICE IN THE PHILIPPINE ARMED FORCES

Priority: Substantive, Nonsignificant

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

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 apply to Filipino veterans and their survivors. 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:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Related to 2900-AL67

RIN: 2900-AL76

VA

Proposed Rule Stage

2793. 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

Legal Authority: 38 USC 3100 to 3121; PL 102–568; PL 104–275; PL 106–419; PL 107–103

CFR Citation: 38 CFR 21, subpart A

Legal Deadline: None

Abstract: This document proposes to amend the regulations in 38 CFR part 21, subpart A—Vocational Rehabilitation under 28 U.S.C. chapter 31. These proposed regulations implement statutory and judicially mandated changes. These changes include amended entitlement criteria to provide vocational rehabilitation program services to a veteran with a 10 percent service-connected disability if the veteran has a serious employment handicap. Changes to entitlement criteria require that service-connected disability contribute in substantial part to a veteran's vocational impairment to entitle the veterans or servicemember to a program of rehabilitation services to overcome or lessen the effect of that impairment. Some proposed revisions correct earlier language that did not properly interpret the intent of the statute. Other proposed revisions to the regulations are intended to simplify program administration. Finally, the document proposes a completely rewritten text of subpart A in reader-focused plain English for improved readability.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Catherine Kruger, Supervisor of Regulations & Legislative Initiatives (28), Department of Veterans Affairs, Vocational Rehabilitation & Employment Services, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273–7412

RIN: 2900–AL78

2794. DUTIES OF VA; RIGHTS AND RESPONSIBILITIES OF CLAIMANTS AND BENEFICIARIES

Priority: Other Significant

Legal Authority: 38 USC 1154; 38 USC 1822; 38 USC 5101; 38 USC 5103(a); 38 USC 5104; 38 USC 5109; 38 USC 5112(a); 38 USC 5125; 38 USC 5304; 38 USC 5701(b); ...

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 apply to the duties of VA and the rights and responsibilities of claimants and beneficiaries. 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:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Related to 2900–AL67

RIN: 2900–AL82

2795. SPECIAL AND ANCILLARY BENEFITS FOR VETERANS, DEPENDENTS, AND SURVIVORS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 10 USC 1448; 10 USC 6160; 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) proposes to amend 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 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:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Related to 2900–AL67

RIN: 2900–AL84

2796. GENERAL PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101; 38 USC 501(a); 38 USC 4303(16); PL 107–116

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to amend its regulations concerning general provisions applicable to its compensation and pension regulations, including definitions. 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:

Action	Date	FR Cite
NPRM	12/00/05	

VA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL87**2797. 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) proposed 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 clearer language and more easily understood regulation requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL88**2798. DEPENDENCY AND INDEMNIFY COMPENSATION BENEFITS****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 101(14); 38 USC 103(b); 38 USC 501(a); 38 USC 1121; 38 USC 1122(b); 38 USC 1141; 38 USC 1304; 38 USC 1310; 38 USC 1311(c), (d); 38 USC 1313; 38 USC 1315; 38 USC 1318(e), (d); 38 USC 5110; 38 USC 5312; ...

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 dependency and indemnity compensation (DIC) 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), 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

Related RIN: Related to 2900-AL67**RIN:** 2900-AL89**2799. LOAN GUARANTY: AMENDMENTS TO HYBRID ADJUSTABLE RATE MORTGAGES****Priority:** Substantive, Nonsignificant

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

CFR Citation: 38 CFR 36.4212**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its loan guaranty regulations concerning hybrid adjustable rate mortgages. Under current regulations, an adjustable rate mortgage may be refinanced to a fixed rate loan bearing a higher interest rate. This rule would provide that, during the initial fixed rate period of a hybrid adjustable rate mortgage, the loan may not be refinanced with a fixed rate loan bearing interest at a higher rate than that initially charged on the hybrid adjustable rate mortgage, except during the last 12 months.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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

Phone: 202 273-7368

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RIN: 2900-AL92**2800. DEPENDENTS OF VETERANS****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 101(3); 38 USC 101(31); 38 USC 103(c); 38 USC 5110(f); 38 USC 5112; PL 91-376; PL 93-527; PL 101-508; PL 102-86

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 relating to dependents of veterans. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension rules in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

VA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

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Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67**RIN:** 2900-AL94**2801. PAYMENTS TO BENEFICIARIES WHO ARE ELIGIBLE FOR MORE THAN ONE BENEFIT****Priority:** Substantive, Nonsignificant

Legal Authority: 10 USC 1174; 10 USC 12316; 38 USC 501(a); 38 USC 1501(a); 38 USC 5104; 38 USC 5110; 38 USC 5304; 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 adjudication regulations relating to the payments to beneficiaries who are eligible for more than one benefit. 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:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL95**2802. 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 rules in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), 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-AM01**2803. IMPROVED PENSION****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1502 to 1503; 38 USC 1508; 38 USC 1521 to 1522; 38 USC 1541 to 1542; 38 USC 1718; 38 USC 5303A; 10 USC

1448; 42 USC 300c-22(note); 42 USC 7385; PL 100-456

CFR Citation: 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs proposes to amend its adjudication regulations that concern improved pension. 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:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

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Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67**RIN:** 2900-AM04**2804. MATTERS AFFECTING RECEIPT OF BENEFITS****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 105; 38 USC 501; 38 USC 1110; 38 USC 1131; 38 USC 1521; 38 USC 1901 to 1929; 38 USC 5110; 38 USC 5112; 38 USC 6103; 38 USC 6104; 38 USC 6105; . . .

CFR Citation: 38 CFR 3; 38 CFR 5; 38 CFR 6.22; 38 CFR 8.34**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to reorganize and rewrite in plain language regulations relating to determinations involving bars to benefits, forfeiture of benefits, and renouncement of benefits. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension rules in a logical, claimant-focused, and user-friendly format. The intended effect of the proposed revisions is to assist

VA

Proposed Rule Stage

claimant and VA personnel in locating and understanding these provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Related to 2900-AL67**RIN:** 2900-AM05**2805. 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:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Related to 2900-AL67**RIN:** 2900-AM06**2806. 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Related to 2900-AL67**RIN:** 2900-AM07**2807. PHASE-IN OF FULL CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES****Priority:** Other Significant**Legal Authority:** 10 USC 1414; 38 USC 501(a); 38 USC 5304 (a); 38 USC 5305**CFR Citation:** 38 CFR 3.750**Legal Deadline:** None

Abstract: VA proposes to update its adjudication regulations to implement the National Defense Authorization Act for Fiscal Year 2004 by including provisions for concurrent receipt of military retired pay and VA disability compensation for eligible veterans. The changes are intended to update 38 CFR part 3.750 so that it is consistent with the new law passed by Congress.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: David McLenachen, Chief, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Veterans Benefit Administration, Washington, DC 20420

Phone: 202 273-7212

Email: capdmcle2@vba.va.gov

RIN: 2900-AM13**2808. • NEW AND MATERIAL EVIDENCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.156; 38 CFR 3.400**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication rules regarding the reconsideration of decisions on claims for benefits based on certain types of evidence, when the evidence is submitted after a regional office has decided the claim. The proposed revision would provide consistency in adjudication of certain types of claims and improve the effectiveness of the adjudication process.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

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

VA

Proposed Rule Stage

URL For Public Comments:

www.regulations.gov

Agency Contact: David McLenachen, Chief, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Veterans Benefit Administration, Washington, DC 20420
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RIN: 2900-AM15**2809. • VA BENEFITS 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.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Clay H. Witt, Senior Counsel, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, 810 Vermont Avenue, Washington, DC 20420
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Related RIN: Related to 2900-AL67**RIN:** 2900-AM16**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****2810. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATIONS PLAIN LANGUAGE REWRITE****Priority:** Info./Admin./Other

Legal Authority: 38 USC 501; 40 USC 121(c); 38 USC 8153

CFR Citation: 48 CFR 8**Legal Deadline:** None

Abstract: This rulemaking action would amend the Department of

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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

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RIN: 2900-AK78**BOARD OF VETERANS APPEALS****2811. BOARD OF VETERANS' APPEALS: CLARIFICATION OF A NOTICE OF DISAGREEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 7105

CFR Citation: 38 CFR 19.26; 38 CFR 19.29

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its regulations pertaining to Agency action upon receipt from a claimant of a Notice of Disagreement of a decision made by VA on a claimant's application for a VA benefit.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

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

RIN: 2900-AL97

VA

COMPENSATION AND PENSION SERVICE

2812. • APPLICATIONS, CLAIMS, AND NOTICE REQUIREMENTS

Priority: Other Significant

Legal Authority: 38 USC 501(a); 38 USC 5103; 38 USC 5103A

CFR Citation: 38 CFR 3.1; 38 CFR 3.159

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulation defining “claim” and “application” to make it

clearer and consistent with recent statutory changes. We also propose to revise the regulation 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:

Action	Date	FR Cite
NPRM	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments: www.regulations.gov

Agency Contact: Maya Ferrandino, Consultant, C&P (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7232

RIN: 2900-AM17

Department of Veterans Affairs (VA)

Final Rule Stage

VETERANS HEALTH ADMINISTRATION

2813. ADVANCED HEALTH CARE PLANNING

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.32

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58677

Action Date FR Cite

NPRM Comment	01/04/99	
Period End		
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments: www.regulations.gov

Agency Contact: Angela M. Prudhomme, Chief Ethics Policy Service (10E), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 501-1717
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RIN: 2900-AJ28

2814. GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES

Priority: Other Significant

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.216; 38 CFR 17.222

Legal Deadline: None

Abstract: This rule amends the Department of Veterans Affairs regulations concerning State homes. VA provides funds to States for projects for

the construction, acquisition, or renovation of State veterans nursing homes and State veterans domiciliaries. This rulemaking requests comments regarding what regulations should be established with respect to the priorities for awarding State home grants for construction, acquisition, or renovation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/26/01	66 FR 33845
Interim Final Rule	08/27/01	
Comment Period		
End		
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

URL For Public Comments: www.regulations.gov

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

RIN: 2900-AJ43

VA

Final Rule Stage

2815. 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.**Legal Authority:** PL 104–262**CFR Citation:** 38 CFR 17.36**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) published in the Federal Register on January 17, 2003, an interim final rule amending VA's medical regulations at 38 CFR part 17 to establish additional subpriorities within enrollment priority categories 7 and 8 and to provide that, beginning January 17, 2003, VA will continue to treat all veterans currently enrolled in any category, and will treat new enrollees in categories 1 through 7. However, the interim final rule provided that VA will suspend the enrollment of additional veterans who are in the lowest statutory enrollment category (priority category 8). Based on the rationale set forth in the interim final rule, VA is adopting the provisions of the interim final rule as a final rule without change.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/17/03	68 FR 2670
Interim Final Rule Effective	01/17/03	
Interim Final Rule Comment Period End	03/18/03	
Final Action	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: William Tilton, Program Analyst, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420
Phone: 202 273–6270

RIN: 2900–AL51**2816. PATIENTS' RIGHTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.33**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/09/04	69 FR 48148
NPRM Comment Period End	10/08/04	69 FR 48184
Final Action	07/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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**2817. 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, if the veterans have requested an initial appointment for primary care in a VA health care facility before July 25, 2003, and were unable to obtain an initial appointment for primary care within 30 days. The rule establishes specific requirements that veterans must meet to receive such medication, and it establishes limits on the types and quantities of medication VA may

provide. VA's intent is to assist enrolled veterans who have requested primary care appointments but who have not been able to obtain one within 30 days.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/25/03	68 FR 43927
Interim Final Rule Effective	07/25/03	
Interim Final Rule Comment Period End	08/25/03	
Final Action	10/00/05	

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
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RIN: 2900–AL68**2818. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS TECHNICAL AMENDMENT****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301; 38 CFR 501; 42 USC 289; 42 USC 300v–1(b)**CFR Citation:** 38 CFR 16**Legal Deadline:** None

Abstract: This final rule amends the Department of Veterans Affairs regulations for the protection of human subjects by changing all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP), and revising the footnote at the end of 38 CFR 16.101(i) by deleting the references to research involving fetuses, pregnant women, or human in vitro fertilization. This technical amendment is being made in conjunction with the other Federal departments and agencies that

VA

Final Rule Stage

have promulgated the Federal Policy for the Protection of Human Subjects.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Dr. Joan Porter, Associate Director, Office of Research Oversight (ORO), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AL99

2819. ELIGIBILITY FOR HEALTH CARE BENEFITS FOR CERTAIN FILIPINO VETERANS IN THE UNITED STATES

Priority: Other Significant

Legal Authority: PL 108-170

CFR Citation: 38 CFR 17.39

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its medical regulations regarding veterans who are eligible to receive health care from VA. VA is proposing to amend the regulations to include Filipino Commonwealth Army veterans who

were recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces and New Philippine Scouts who reside in the U.S. and who are citizens or lawfully admitted for permanent residence as eligible for hospital care, nursing home care, and outpatient medical services in the United States in the same manner and subject to the same terms and conditions as apply to U.S. veterans. This amendment will allow those veterans to receive health care. VA is authorized to implement these provisions under the "Veterans Health Care, Capital Asset, and Business Improvement Act of 2003," Public Law 108-170.

Timetable:

Action	Date	FR Cite
NPRM	01/11/05	70 FR 1841
NPRM Comment Period End	03/14/05	
Final Action	10/00/05	

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: 202 254-0406

RIN: 2900-AM03

2820. ELIMINATION OF CO-PAY FOR SMOKING CESSATION COUNSELING

Priority: Other Significant

Legal Authority: 38 USC 501

CFR Citation: 38 CFR 17.108

Legal Deadline: None

Abstract: This interim final rule will amend VA regulations so that a co-pay is no longer required of veterans to participate in individual and group smoking cessation counseling. Eliminating the co-pay for smoking cessation counseling has strong potential to increase participation and thus improve veterans' health.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	

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

RIN: 2900-AM11

VETERANS BENEFITS ADMINISTRATION

2821. TOTAL DISABILITY EVALUATIONS BASED ON INABILITY OF THE INDIVIDUAL TO ENGAGE IN SUBSTANTIALLY GAINFUL EMPLOYMENT

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/01/01	66 FR 49886
NPRM Comment Period End	11/30/01	
Final Action	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: David McLenachen, Chief, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Veterans Benefit Administration, Washington, DC 20420

Phone: 202 273-7212

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RIN: 2900-AH21

2822. SCHEDULE FOR RATING DISABILITIES—THE EYE

Priority: Other Significant

Legal Authority: 38 USC 1155

VA

Final Rule Stage

CFR Citation: 38 CFR 4.75**Legal Deadline:** None

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

Timetable:

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

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: David McLenachen, Chief, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Veterans Benefit Administration, Washington, DC 20420
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RIN: 2900-AH43**2823. CLAIMS BASED ON AGGRAVATION OF NONSERVICE-CONNECTED DISABILITY****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.310**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	06/04/97	62 FR 30547

Action	Date	FR Cite
NPRM Comment Period End	08/04/97	
Final Action	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: David McLenachen, Chief, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Veterans Benefit Administration, Washington, DC 20420
Phone: 202 273-7212
Email: capdmcle2@vba.va.gov

RIN: 2900-AI42**2824. DEFINITION OF PSYCHOSIS FOR CERTAIN VA PURPOSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.384**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs adjudication regulations to define the term "psychosis." The term is used but not defined in certain statutes that provide presumptive service connection for compensation or health care purposes.

Timetable:

Action	Date	FR Cite
NPRM	10/11/02	67 FR 63352
NPRM Comment Period End	12/10/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: David McLenachen, Chief, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Veterans Benefit Administration, Washington, DC 20420
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Email: capdmcle2@vba.va.gov

RIN: 2900-AK21**2825. 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. This also adds the provisions of the Veterans Benefits Act of 2003 to change the rate of compensation and burial benefits paid to new Filipino scouts residing in the U.S.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/27/01	66 FR 66763
Interim Final Rule Effective	12/27/01	
Interim Final Rule Comment Period End	02/25/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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Related RIN: Related to 2900-AL76**RIN:** 2900-AK65

VA

Final Rule Stage

2826. EXCEPTIONS TO DEFINITION OF DATE OF RECEIPT BASED ON SPECIAL OR UNFORESEEN CIRCUMSTANCES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5110**CFR Citation:** 38 CFR 3.1(r)**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	07/19/04	69 FR 42879
Interim Final Rule Comment Period End	09/17/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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Email: capdmcle2@vba.va.gov

RIN: 2900-AL12**2827. SCHEDULE FOR RATING DISABILITIES; GUIDELINES FOR APPLICATION OF EVALUATION CRITERIA FOR CERTAIN RESPIRATORY AND CARDIOVASCULAR CONDITIONS; EVALUATION OF HYPERTENSION WITH HEART DISEASE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.104**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/22/02	67 FR 54394
NPRM Comment Period End	10/21/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: David McLenachen, Chief, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Veterans Benefit Administration, Washington, DC 20420
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RIN: 2900-AL26**2828. VETERANS EDUCATION: VETERANS EDUCATION AND BENEFITS EXPANSION ACT OF 2001****Priority:** Substantive, Nonsignificant

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

CFR Citation: 38 CFR 21.3045; 38 CFR 21.3046; 38 CFR 21.3104; 38 CFR 21.3300; 38 CFR 21.3301; 38 CFR 21.3302; 38 CFR 21.3303; 38 CFR 21.3305; 38 CFR 21.3306

Legal Deadline: None

Abstract: Final regulations implementing some of the provisions in

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

Timetable:

Action	Date	FR Cite
Final Action	09/00/05	

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, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL28**2829. SCHEDULE FOR RATING DISABILITIES; EVALUATION OF MULTIPLE SCARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.118**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is amending its Schedule for Rating Disabilities; Multiple Scars. The current rating schedule provides an evaluation level of 10 percent under Diagnostic Code 7803 for multiple superficial unstable scars and an evaluation level of 10 percent under Diagnostic Code 7804 for multiple

VA

Final Rule Stage

superficial painful scars. The current rating schedule provides no guidance on whether each painful or each unstable scar no matter how small or close together should be separately evaluated. The current rating schedule is silent as to whether one scar can be rated more than once under diagnostic codes 7802, 7803, and/or 7804. This regulatory amendment replaces the concept of "widely separated areas" by defining and using the concept of "separate anatomical location." This regulatory amendment instructs adjudicators in the following: How to evaluate scars which traverse separate anatomical locations; how to evaluate multiple scars in a separate anatomical locations; how to evaluate scars which satisfy evaluation criteria for two or more of the following diagnostic codes: 7802, 7803, and 7804; and how to evaluate multiple scars of the head, face, and neck where there is also disfigurement in this area. Each diagnostic code has been retitled; within Diagnostic Code 7800, we have included all aspects of scars and/or disfigurement of the head, face, and neck; therefore, the titles to the remaining scar codes now include the words "Scars, other than those of the head, face, and neck region."

Timetable:

Action	Date	FR Cite
NPRM	10/29/02	67 FR 65915
NPRM Comment Period End	12/30/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AL32**2830. LOAN GUARANTY: HYBRID ADJUSTABLE RATE MORTGAGES****Priority:** Other Significant**Legal Authority:** 38 USC 501(a); 38 USC 3703(c)(1)**CFR Citation:** 38 CFR 36.4212; 38 CFR 36.4254; 38 CFR 36.4311; 38 CFR 36.4312**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	10/09/03	68 FR 58293
NPRM Comment Period End	11/10/03	
Final Action	05/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AL54**2831. 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 proposed changes regarding loan servicing and claims procedures reflect changes in the servicing of VA loans and are necessary to implement new servicing and claims procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/18/05	70 FR 8472
NPRM Comment Period End	04/19/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AL65**2832. SERVICE REQUIREMENTS FOR VETERANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101(21), (22); 38 USC 106; 38 USC 501(a); 38 USC 1152; 38 USC 1301; 38 USC 1504; 38 USC 1832(b)(2); 38 USC 5101(i); 38 USC 5303(a), (b), (e); PL 95-126; PL 95-202; PL 102-40; ...**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its compensation and pension regulations relating to service requirements for veterans. 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.

Timetable:

Action	Date	FR Cite
NPRM	01/30/04	69 FR 4820
NPRM Comment Period End	03/30/04	
Final Action	10/00/05	

VA

Final Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AL67

2833. RESERVISTS' EDUCATION: REVISION OF ELIGIBILITY REQUIREMENTS FOR THE MONTGOMERY GI BILL—SELECTED RESERVE
Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1606; 10 USC 16133; 38 USC 501; 38 USC 501(a); 38 USC 3031(d); 38 USC 3033(c); 38 USC 3232(a); 38 USC 3512; ...

CFR Citation: 38 CFR 21.1032; 38 CFR 21.7540; 38 CFR 21.7550; 38 CFR 21.7551

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	08/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AL69

2834. PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISABILITIES AND RELATED MATTERS
Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1101; 38 USC 1111; 38 USC 1112; 38 USC 1116; 38 USC 1133; 38 USC 1137; PL 98-542

CFR Citation: 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations that concern the presumptions of service connection for certain diseases or conditions. 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.

Timetable:

Action	Date	FR Cite
NPRM	07/27/04	69 FR 44614
NPRM Comment Period End	09/27/04	
Final Action	10/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (00REG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

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Email: capbruss@vba.va.gov

RIN: 2900-AL70

2835. ADJUDICATION: ACCRUED BENEFITS AND DEATH COMPENSATION BENEFITS
Priority: Other Significant

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

CFR Citation: 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its compensation and pension regulations relating to accrued and death compensation benefits. 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.

Timetable:

Action	Date	FR Cite
NPRM	10/01/04	69 FR 59072
NPRM Comment Period End	11/30/04	
Final Action	10/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL71

2836. VETERANS EDUCATION: NONPAYMENT OF VA EDUCATIONAL ASSISTANCE TO FUGITIVE FELONS
Priority: Substantive, Nonsignificant**Legal Authority:** 10 USC 5315B

CFR Citation: 38 CFR 21.3135; 38 CFR 21.4131; 38 CFR 21.4135; 38 CFR 21.4200; 38 CFR 21.7020; 38 CFR 21.7131; 38 CFR 21.7135

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its education regulations to reflect a provision in the

VA

Final Rule Stage

Veterans Education and Benefits Expansion Act of 2001. The Act contains a provision in section 505 that prohibits VA from awarding educational assistance to individuals during any period that they are fugitive felons. The prohibition applies to the following VA educational assistance programs: Montgomery GI Bill-Active Duty Program, Post Vietnam Era Veteran's Educational Assistance Program, and Survivors' and Dependents' Educational Assistance Program.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AL79**2837. ELECTIONS OF IMPROVED PENSION; OLD LAW AND SECTION 306 PENSION****Priority:** Other Significant

Legal Authority: 38 USC 503; 38 USC 521(f); 38 USC 522; 38 USC 543; 38 USC 1312(b); 38 USC 1317(b); 38 USC 1521(i); 45 USC 228; PL 86-211; PL 86-212; PL 87-381; PL 95-588; PL 96-272

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 its "Old-Law" and "Section 306" pension programs, as well as its regulations concerning elections of improved pension. 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:

Action	Date	FR Cite
NPRM	12/27/04	69 FR 77588
NPRM Comment	02/25/05	
Period End		
Final Action	10/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL83**2838. DEPENDENCY AND INDEMNITY COMPENSATION: SURVIVING SPOUSE'S RATE; PAYMENTS BASED ON VETERANS ENTITLEMENT TO COMPENSATION FOR SERVICE-CONNECTION DISABILITY RATED TOTALLY DISABLING FOR SPECIFIED PERIODS****Priority:** Other Significant

Legal Authority: 38 USC 501(a); 38 USC 1311; 38 USC 1314; 38 USC 1321; 38 USC 7104(b); ...

CFR Citation: 38 CFR 3.10; 38 CFR 3.22; 38 CFR 20.1106

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to reorganize existing regulations governing surviving spouse's rates of dependency and indemnity compensation (DIC) and move them to a new CFR section. The proposed rules would also clarify circumstances in which a survivor may be entitled to DIC under 38 U.S.C. 1311 and 1318 by virtue of the veteran having been "entitled to receive" compensation for a disability that was rated totally disabling for a specified period prior to the veteran's death. The proposed rules would also reissue without change the Board of Veterans' Appeals rule regarding the effect of unfavorable decisions during a veteran's lifetime on claims for death benefits by the veteran's survivors.

Timetable:

Action	Date	FR Cite
NPRM	10/25/04	69 FR 62229
NPRM Comment	12/27/04	
Period End		
Final Action	07/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: David Joseph Barrans, Staff Attorney (022), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL86**2839. PRESUMPTION OF SOUND CONDITION: AGGRAVATION OF A DISABILITY BY ACTIVE SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1111**CFR Citation:** 38 CFR 3.304**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations regarding the presumption of soundness of a veteran by adding a requirement that before VA may rebut the presumption of soundness of a veteran on entrance into active service, VA must prove that the condition existed prior to entrance on active service and was not aggravated by the veteran's active service. This amendment is necessary to ensure VA's regulations comply with a recently released General Counsel Opinion, VAOPGCPREC 3-2003, Requirements for Rebutting the Presumption of Sound Condition under 38 U.S.C. 1111 and 38 CFR 3.304. The intended effect of this amendment is to require that VA, not the claimant, prove that the disability preexisted entrance into military service and that the disability was not aggravated by such service before the presumption of soundness on entrance onto active duty is overcome.

Timetable:

Action	Date	FR Cite
Final Action	12/00/05	

Regulatory Flexibility Analysis**Required:** No

VA

Final Rule Stage

Small Entities Affected: No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AL90

2840. PRESUMPTIONS OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH SERVICE INVOLVING DETENTION OR INTERNMENT AS A PRISONER OF WAR

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 1112(b)**CFR Citation:** 38 CFR 1.18; 38 CFR 3.309**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its regulations to establish guidelines for establishing presumptions of service connection for diseases associated with service involving detention or internment as a prisoner of war. In accordance with those guidelines, this amendment also establishes presumptions of service connection for atherosclerotic and hypertensive heart disease and for stroke disease arising in former prisoners of war.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/07/04	69 FR 60083
Interim Final Rule	11/08/04	
Comment Period End		
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: David Joseph Barrans, Staff Attorney (022), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AM09

2841. TRANSFER OF MONTGOMERY GI BILL—ACTIVE DUTY ENTITLEMENT TO DEPENDENTS

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 3020; 38 USC 3015(d)(1)**CFR Citation:** 38 CFR 21.7020; 38 CFR 21.7050; 38 CFR 21.7080; 38 CFR 21.7131; 38 CFR 21.7135; 38 CFR 21.7136; 38 CFR 21.7137; 38 CFR 21.7139**Legal Deadline:** None

Abstract: This final rule amends Department of Veterans Affairs' (VA) education regulations to include rules for use of transferred Montgomery GI Bill-Active Duty (MGIB) entitlement.

Provisions in the National Defense Authorization Act for Fiscal year 2002 permit the Department of Defense to offer individuals in the Armed Forces, who have critical military skills, the option to transfer up to 18 months of their MGIB entitlement to their dependents. The rule includes a provision in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 that clarifies the rate of payment of educational assistance for dependents to whom entitlement is transferred. In addition, the rule amends regulations to reflect an increase in the maximum amount for the college fund program that was provided in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AM12

OFFICE OF POLICY AND PLANNING

2842. AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS; GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Priority: Substantive, Nonsignificant**Legal Authority:** 31 USC 75; 38 USC 501; PL 98-502**CFR Citation:** 38 CFR 41; 38 CFR 49**Legal Deadline:** None

Abstract: This document proposes to amend part 41 of VA's regulations to

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

Timetable:

Action	Date	FR Cite
NPRM	08/25/04	69 FR 52334
NPRM Comment Period End	10/25/04	
Final Action	10/00/05	

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

www.regulations.gov

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VA

Final Rule Stage

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RIN: 2900-AJ62

Department of Veterans Affairs (VA)

Completed Actions

2843. PAYMENT FOR NON-VA PHYSICIAN AND OTHER HEALTH CARE PROFESSIONAL SERVICES ASSOCIATED WITH EITHER OUTPATIENT OR INPATIENT CARE PROVIDED AT NON-VA FACILITIES

Priority: Other Significant

CFR Citation: 38 CFR 17.56

Completed:

Reason	Date	FR Cite
Final Action	02/04/05	70 FR 5926
Final Action Effective	03/07/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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2844. LOAN GUARANTY: PREPURCHASE COUNSELING REQUIREMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 36.4332

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/05	70 FR 4801

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK76

2845. 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

CFR Citation: 38 CFR 3.154; 38 CFR 3.358; 38 CFR 3.361; 38 CFR 3.362; 38 CFR 3.363; 38 CFR 3.400; 38 CFR 3.708; 38 CFR 3.800

Completed:

Reason	Date	FR Cite
Final Action	08/03/04	69 FR 46426

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK77

2846. TIME LIMIT FOR REQUEST FOR DE NOVO REVIEW

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.2600

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/05	70 FR 4801

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK97

2847. LOAN GUARANTY: IMPLEMENTATION OF PUBLIC LAW 107-103

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 36.4302; 38 CFR 36.4308; 38 CFR 36.4404; 38 CFR 36.4527

Completed:

Reason	Date	FR Cite
Final Action Effective	01/21/05	70 FR 8892
Final Action	01/27/05	70 FR 3892

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AL23

2848. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY

Priority: Info./Admin./Other

CFR Citation: 38 CFR 21.7136; 38 CFR 21.7137

Completed:

Reason	Date	FR Cite
Final Action	12/15/04	69 FR 74977

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AM08

2849. • EXCLUSIONS FROM INCOME AND NET WORTH COMPUTATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 42 USC 1395w-141

CFR Citation: 38 CFR 3.261; 38 CFR 3.262; 38 CFR 3.263; 38 CFR 3.272; 38 CFR 3.275; ...

VA

Completed Actions

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations to exclude from income and net worth computations in the pension and parents' dependency and indemnity compensation programs any benefits received under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, specifically as related to the Medicare Prescription Drug Discount Card and Transitional Assistance Program. This amendment is necessary to conform the regulations to statutory provisions.

Timetable:

Action	Date	FR Cite
Final Action	03/28/05	70 FR 15590

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AM14

2850. BOARD OF VETERANS APPEALS: APPEAL REGULATIONS; RULES OF PRACTICE; DELEGATIONS OF AUTHORITY

Priority: Info./Admin./Other**CFR Citation:** 38 CFR 19.14; 38 CFR 20.102; 38 CFR 20.606; 38 CFR 20.608**Completed:**

Reason	Date	FR Cite
Final Action	02/24/05	70 FR 8929

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

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RIN: 2900-AL96

2851. RELOCATION OF NATIONAL CEMETERY REGULATIONS IN TITLE 38 CFR

Priority: Info./Admin./Other**CFR Citation:** 38 CFR 1.600 to 1.633; 38 CFR 38**Completed:**

Reason	Date	FR Cite
Final Action	01/31/05	70 FR 4768

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Karen Barber

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RIN: 2900-AM10

[FR Doc. 05-5992 Filed 05-13-05; 8:45 am]

BILLING CODE 8320-01-S