

DEPARTMENT OF VETERANS AFFAIRS**38 CFR Part 2**

RIN 2900-A108

Delegations of Authority; Nonsubstantive Miscellaneous Changes

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the delegation of authority regulations by removing redundant material and by removing other information not required to be published in the Federal Register.

EFFECTIVE DATE: May 7, 1996.

FOR FURTHER INFORMATION CONTACT: Dawn McGowan, Chief, Directives, Forms, Records Management, Headquarters Health Administration Service (161A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565-7444. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

The Secretary hereby certifies that the rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This rule merely consists of nonsubstantive changes.

There is no Catalog of Federal Domestic Assistance Number.

List of Subjects in 38 CFR Part 2

Authority delegations (Government agencies).

Approved: April 29, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 2 is amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY

1. The authority citation for part 2 is revised to read as follows:

Authority: 5 U.S.C. 302; 38 U.S.C. 501, 512; 44 U.S.C. 3702.

§§ 2.3, 2.72, 2.73, 2.74, 2.91, 2.93, 2.94 [Removed]

2. In part 2, §§ 2.3, 2.72, 2.73, 2.74, 2.91, 2.93, and 2.94 are removed.

[FR Doc. 96-11278 Filed 5-6-96; 8:45 am]

BILLING CODE 8320-01-P

38 CFR Part 3

RIN 2900-AH87

Removal of References to "Vicious Habits"

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: Certain Department of Veterans Affairs (VA) regulations state that to be eligible for pension a veteran must be permanently and totally disabled from nonservice-connected disability not due to the veteran's own willful misconduct or vicious habits. The statute upon which these regulations is based was changed in 1978 to delete references to "vicious habits." The purpose of this rule is to conform the regulations to the statute.

EFFECTIVE DATE: This amendment is effective May 7, 1996.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: Before 1978, the statute governing entitlement to pension for nonservice-connected disability (now 38 U.S.C. 1521(a)) provided that VA pension was potentially payable to a veteran who was permanently and totally disabled from non-service-connected disability not the result of the veteran's willful misconduct or vicious habits. In 1978 the Veterans' and Survivors' Pension Improvement Act of 1978, Public Law 95-588, deleted the words "vicious habits" from the pension statute.

In 1990 VA amended 38 CFR 3.301(b) to delete the reference to "vicious habits" (55 FR 13529). 38 CFR 3.301(b) now states simply that "disability pension is not payable for any condition due to the veteran's own willful misconduct."

There are additional references to "vicious habits" in 38 CFR sections 3.314(b)(2), and 3.323(b) which apparently were overlooked when 38 CFR 3.301(b) was amended in 1990. This rule deletes those references and conforms the rules to the current language of 38 U.S.C. 1521(a).

Since these amendments are in the nature of a technical correction, the Secretary finds that notice and public procedure thereon are unnecessary. Accordingly, these amendments are promulgated without regard to the notice-and-comment and effective-date provisions of 5 U.S.C. 553.

Because no notice of proposed rulemaking was required in connection

with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601-612). Even so, the Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. This amendment will directly affect VA beneficiaries but will not affect small businesses.

The catalog of Federal Domestic Assistance program number is 64.104.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: April 19, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION**Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation**

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.314 Basic pension determinations.

2. In § 3.314(b)(2) remove the words "or vicious habits".

§ 3.323 Combined ratings.

3. In § 3.323(b)(1) and (b)(2) remove the words "or vicious habits".

[FR Doc. 96-11280 Filed 5-6-96; 8:45 am]

BILLING CODE 8320-01-P

38 CFR Part 4

RIN 2900-AH05

Schedule for Rating Disabilities; Fibromyalgia

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule with request for comments.

SUMMARY: This document amends the Department of Veterans Affairs (VA) Schedule for Rating Disabilities by adding a diagnostic code and evaluation criteria for fibromyalgia. The intended effect of this rule is to ensure that veterans receive consistent evaluations for this condition.

DATES: This interim final rule is effective May 7, 1996. Comments must be received on or before July 8, 1996.