

all qualified proposals in accordance with the evaluation criteria and values set forth in this part. Evaluation panels will consist of NIST employees and in some cases other federal employees or non-federal experts who sign non-disclosure agreements. A site visit may be required to make full evaluation of a proposal. From the qualified proposals, a group of finalists will be numerically ranked and recommended for award based on this review.

(c) *Award determination.* The Director of the NIST, or her/his designee, shall select awardees based on total evaluation scores, geographic distribution, and the availability of funds. All three factors will be considered in making an award. Upon the final award decision, a notification will be made to each of the proposing organizations.

§ 292.6 Additional requirements.

Federal policies and procedures. Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AH18

Eligibility Reporting Requirements

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations regarding eligibility verification reports (EVRs) for income-based benefits. This amendment implements recent legislation which eliminated the mandatory requirement for submission of EVRs on an annual basis from recipients of pension or parents' dependency and indemnity compensation (DIC) and gives VA discretionary authority to require such reports where necessary to determine eligibility. This amendment is necessary to set forth the guidelines that the Secretary will use in exercising this discretionary authority.

DATES: Comments must be received on or before July 14, 1995.

ADDRESSES: Mail written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue,

NW, Washington, DC 20420, or hand-deliver written comments to: Office of Regulations Management, Room 1176, 801 Eye Street, NW, Washington, DC 20001. Comments should indicate that they are in response to "RIN 2900-AH18." All written comments received will be available for public inspection in the Office of Regulations Management, Room 1176, 801 Eye Street, NW, Washington, DC 20001, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

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: The term "eligibility verification report" means a VA form which requests information needed to determine or verify eligibility for VA's income-based benefit programs (pension and parents' DIC). A series of forms, rather than one universal form, is used because specific entitlement factors vary depending on the benefit involved and the status of the beneficiary. However, all EVR forms request income and marital status information and have a similar format.

Until recently VA was required by law (38 U.S.C. 1315(e) and 38 U.S.C. 1506(2)) to secure a completed EVR at least once a year from every pension beneficiary and every parents' DIC beneficiary under the age of 72. Public Law 103-271, the Board of Veterans' Appeals Administrative Procedures Improvement Act of 1994, amended 38 U.S.C. 1315 and 1506 to give the Secretary of Veterans Affairs discretionary authority to require submission of income and resource reports by recipients of income-based benefits. These implementing regulatory amendments outline the manner in which the secretary will exercise this discretionary authority each year to determine which claimants and beneficiaries must complete an EVR.

The proposed rule would require an EVR in three instances. First, VA will require submission of an EVR by any beneficiary whose Social Security number, or whose spouse's Social Security number, has not been verified by the Social Security Administration (SSA). VA conducts periodic computer matches with SSA. These matches permit VA to verify the information upon which payment of VA benefits is based. However, these matches cannot be conducted unless VA records contain accurate Social Security numbers for the

beneficiary and, if applicable, his or her spouse. A Social Security number is considered to be verified when the identifying information associated with that number in VA records (e.g., name, date of birth, sex) matches identifying information associated with the number in SSA records. SSA verifies the Social Security numbers of VA beneficiaries and spouses twice each year.

VA is required by 38 U.S.C. 5312 to increase current pension and parents' DIC rates by the same percentage and on the same date as the Social Security COLA, and for that reason we automatically update Social Security income information in our records at the time of a Social Security COLA. VA then receives a computer extract from SSA showing the actual Social Security income which beneficiaries will receive based upon the new COLA and reconciles any differences between data in VA's records and data provided by SSA. Based on this review of Social Security data, we are confident of the timeliness and accuracy of the Social Security income match and, in our judgment, it is not necessary to require beneficiaries with verified Social Security numbers who have no income, or whose only income is Social Security, to submit an annual EVR.

VA will also require beneficiaries who receive income other than Social Security to submit an EVR. These beneficiaries must submit an EVR because VA is unable to verify the receipt and amount of other types of income with the same accuracy that it can verify Social Security income.

Even if all relevant Social Security numbers have been verified and neither the beneficiary nor the beneficiary's spouse received income other than Social Security, VA will still require completion of an EVR if it determines that submission of an EVR is necessary to preserve program integrity. The phrase "necessary to preserve program integrity" applies when it is necessary for VA, or an agency with oversight authority over VA, to verify that EVR-exempt beneficiaries are accurately reporting changes in entitlement factors.

38 U.S.C. 1315(e) establishes a statutory exemption from filing an EVR for parents who have attained the age of 72 and who have been paid Dependency and Indemnity Compensation for two consecutive years. However, when Congress removed the mandatory requirement for annual reporting by persons who have received old law or section 306 pension or parents' DIC for two consecutive years and are at least 72 years old, it indicated that removal of this reporting requirement did not affect VA's authority to require clarification or

proof of income, when indicated, for this group (see Pub. L. No. 91-588, §§ 2(d) and 6, 84 Stat. 1583, 1584 (1970)). Therefore, VA will apply the same criteria for determining when persons who are 72 years or older and have received the particular benefit for two consecutive calendar years must submit an EVR.

Although beneficiaries will be required to file an EVR only if requested to do so by VA, they have an affirmative obligation to advise VA promptly of changes in factors such as income, marital status, etc. which affect entitlement. This affirmative obligation appears at §§ 3.256(a) and 3.277(b) of the amendments.

When VA sends a beneficiary an EVR to be completed, it advises the beneficiary in writing that the completed form must be returned to VA at the address shown within 60 days and that failure to return the completed form will result in interruption of benefits. If the completed form is not received within the specified period, VA will suspend payment and send a letter to the beneficiary advising that completion of the EVR form is required. The beneficiary's continued failure to return the EVR will result in termination of the award under the provisions of 38 CFR 3.661.

If a claimant with a pending claim fails to return an EVR when requested to do so, VA will disallow the claim and notify the claimant of the reason for the disallowance. The notification will furnish notice of procedural and appellate rights and will advise the claimant that no further action can be taken on the claim unless the EVR is returned within 1 year of the date it was originally requested. VA will consider the claim abandoned under 38 CFR 3.158 if the EVR is not received within one year of the date it was originally requested.

We are proposing to change the heading of 38 CFR 3.256 from "Annual income and net worth questionnaires" to the more general "Eligibility reporting requirements" to better describe the content of the section. The text of 38 CFR 3.256 is similarly changed to reflect the new reporting requirements and set out the criteria for determining which recipients are required to complete an EVR.

The heading of 38 CFR 3.277 is changed from "Income and net worth reports" to "Eligibility reporting requirements" to better describe the content of the section. Paragraph (b) emphasizes a pension claimant or beneficiary's responsibility to notify VA of any material change in entitlement

factors. Paragraph (c) shows when VA will require completion of an EVR.

These amendments do not change any substantive rules concerning eligibility for VA benefits, alter the recipient's obligation to report changes that may affect the rate of VA benefits payable, or limit VA's authority to require evidence of entitlement factors in an individual case. The amendments merely set out VA's policy on requiring completion of an EVR.

Regulatory Flexibility Act

The Secretary hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Paperwork Reduction Act of 1980

This proposed rule contains information collections which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. The title, description of agency need, and respondents of the information collections are shown below with estimates of reporting burdens.

Title: Eligibility Verification Reports.

Description of Agency Need: These information collections are to be used to verify entitlement to or continued eligibility for pension or parents' DIC and to determine whether adjustments in the rate of payment are necessary.

Respondents: Recipients of pension or parents' DIC who come within the circumstances described in proposed §§ 3.256(b) or 3.277(c) for submitting an annual EVR or claimants or recipients who have a change affecting entitlement as specified in proposed §§ 3.256(a) or 3.277(b).

Estimates of Reporting Burdens: (1) Under current regulations all of the 825,000 recipients of pension or parents' DIC are required to submit an annual EVR. It is estimated that under proposed §§ 3.256(b) and 3.277(c) the number of persons required to submit an EVR during a calendar year would be reduced from 825,000 to 325,000. It is estimated that an EVR takes approximately 30 minutes to complete. Accordingly, the estimated total annual reporting hours for annual EVRs would be reduced from approximately 412,500

hours to approximately 162,500 hours. (2) Also, under current regulations approximately 190,000 individuals must independently report changes in factors affecting entitlement. The proposed regulations (see proposed §§ 3.256(a) and 3.277(b)) would not cause a change in this reporting requirement. It is estimated that such a report takes approximately 15 minutes to complete. Accordingly, the estimated total annual reporting hours for independent reports because of changes in factors affecting entitlement would be approximately 47,500 hours.

As required by section 3504(h) of the Paperwork Reduction Act of 1980, VA is submitting a copy of this proposed rule to OMB for its review of these information collection requirements. Organizations and individuals desiring to submit comments regarding these burden estimates or any aspect of these information collection requirements, including suggestions for reducing burdens, should direct them to VA's Director, Office of Regulations Management (address above) and the Office of Information and Regulatory Affairs, OMB, Room 10235, New Executive Office Bldg., Washington, DC 20503, Attn: Desk Officer for VA.

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Reporting and recordkeeping requirements, Veterans.

Approved: February 3, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is proposed to be 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.

2. Section 3.256 is revised to read as follows:

§ 3.256 Eligibility reporting requirements.

(a) *Obligation to report changes in factors affecting entitlement.* Any individual who has applied for or receives pension or parents' dependency and indemnity

compensation must promptly notify the Secretary in writing of any change affecting entitlement in any of the following:

- (1) Income;
- (2) Net worth or corpus of estate;
- (3) Marital status;
- (4) Nursing home patient status;
- (5) School enrollment status of a child 18 years of age or older; or
- (6) Any other factor that affects entitlement to benefits under the provisions of this part.

(b) Eligibility verification report. (1) For purposes of this section the term eligibility verification report means a form prescribed by the Secretary that is used to request income, net worth (if applicable), dependency status, and any other information necessary to determine or verify entitlement to pension or parents' dependency and indemnity compensation.

(2) The Secretary shall require an eligibility verification report under the following circumstances:

- (i) If the Social Security Administration has not verified the beneficiary's Social Security number and, if the beneficiary is married, his or her spouse's Social Security number;
- (ii) If there is reason to believe that the beneficiary or, if the spouse's income could affect entitlement, his or her spouse may have received income other than Social Security during the current or previous calendar year; or
- (iii) If the Secretary determines that an eligibility verification report is necessary to preserve program integrity.

(3) An individual who applies for or receives pension or parents' dependency and indemnity compensation as defined in § 3.3 or 3.5 shall, as a condition of receipt or continued receipt of benefits, furnish the Department of Veterans Affairs an eligibility verification report upon request.

(c) If VA requests that a claimant or beneficiary submit an eligibility verification report but he or she fails to do so within 60 days of the date of the VA request, the Secretary shall suspend the award or disallow the claim.

(Authority: 38 U.S.C. 1315(e) and 1506)

3. Section 3.277 is amended by revising the heading and paragraphs (b) and (c) and by adding paragraph (d) to read as follows:

§ 3.277 Eligibility reporting requirements.

* * * * *

(b) Obligation to report changes in factors affecting entitlement. Any individual who has applied for or receives pension must promptly notify the Secretary in writing of any change

affecting entitlement in any of the following:

- (1) Income;
- (2) Net worth or corpus of estate;
- (3) Marital status;
- (4) Nursing home patient status;
- (5) School enrollment status of a child 18 years of age or older; or
- (6) Any other factor that affects entitlement to benefits under the provisions of this Part.

(c) Eligibility verification reports. (1) For purposes of this section the term eligibility verification report means a form prescribed by the Secretary that is used to request income, net worth, dependency status, and any other information necessary to determine or verify entitlement to pension.

(2) The Secretary shall require an eligibility verification report under the following circumstances:

- (i) If the Social Security Administration has not verified the beneficiary's Social Security number and, if the beneficiary is married, his or her spouse's Social Security number;
- (ii) If there is reason to believe that the beneficiary or his or her spouse may have received income other than Social Security during the current or previous calendar year; or
- (iii) If the Secretary determines that an eligibility verification report is necessary to preserve program integrity.

(3) An individual who applies for or receives pension as defined in § 3.3 shall, as a condition of receipt or continued receipt of benefits, furnish the Department of Veterans Affairs an eligibility verification report upon request.

(d) If VA requests that a claimant or beneficiary submit an eligibility verification report but he or she fails to do so within 60 days of the date of the VA request, the Secretary shall suspend the award or disallow the claim.

* * * * *

[FR Doc. 95-11880 Filed 5-12-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94-127; RM-8537]

Radio Broadcasting Services; Wright City, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of.

SUMMARY: The Commission, at the request of Texarkana Broadcasting, Incorporated, dismisses its request to

allot Channel 277A to Wright City, OK, as the community's first local aural service. See 59 FR 59744, November 18, 1994. No interest in applying for the channel was received by the Commission. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-127, adopted May 3, 1995, and released May 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-11855 Filed 5-12-95; 8:45 am]

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47 CFR Part 73

[MM Docket No. 94-123, DA 95-1055]

Television Broadcasting; Prime Time Access Rule

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: The Commission granted a request by the Coalition to Enhance Diversity for an extension of time for filing reply comments in this proceeding. The Commission determined that the extension of time was warranted in light of the time necessary to compile information critical to resolution of the numerous and complex issues raised in this proceeding. This action will facilitate the development of a full and complete record on these issues.

DATES: Reply comments are now due on May 26, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Alan E. Aronowitz, Mass Media Bureau, (202) 776-1653.

SUPPLEMENTARY INFORMATION:

Adopted: May 8, 1995.

Released: May 8, 1995.

By the Chief, Mass Media Bureau: