Delegation of Subpoena Authority and Description of Means of Service

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations by removing section 3.101. The heading of section 3.352 of the VA adjudication regulations is revised to read: "Criteria for permanent and total disability." The heading reads: "Criteria for permanent and total disability." This document amends VA adjudication regulations concerning eligibility for VA disability compensation to provide that a VA decision to determine whether an individual is bedridden is binding on VA officials and employees. The authority which is considered binding on VA officials as legal interpretations is clarified in this document. This document also makes clarifying changes to the regulations concerning criteria for determining need for aid and attendance, and to those dealing with the effect of written precedent opinions of the General Counsel.

EFFECTIVE DATE: This amendment is effective December 30, 1996.

FOR FURTHER INFORMATION CONTACT: Steve Tomasek, Consultant, Procedures Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-7256.

SUPPLEMENTARY INFORMATION: On August 10, 1995, VA published in the Federal Register (60 FR 40756) an interim rule as described in the Summary portion of this document. A 61-day comment period ended October 10, 1995, and no comments were received.

This final rule affirms the information in the interim rule document concerning the Regulatory Flexibility Act.

Accordingly, the interim rule amending 38 CFR part 2 which was published at 60 FR 40756 on August 10, 1995 is adopted as a final rule without change; except that the authority cited for the provisions in this final rule was changed in a document published in the Federal Register on May 7, 1996 (1 FR 20438), and this document leaves in place the new authority citation.

Approved: November 19, 1996.

Jesse Brown, Secretary of Veterans Affairs.

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