

(see 31 CFR part 223). A list of qualified companies is published annually as of July 1st in the Circular, which outlines details as to the underwriting limitations, areas in which companies are licensed to transact surety business, and other information.

The Circular may be viewed and downloaded through the Internet at <http://www.fms.treas.gov/c570>.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: February 25, 2010.

Vivian L. Cooper,

Director, Financial Accounting and Services Division.

[FR Doc. 2010-4939 Filed 3-9-10; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Pennsylvania Manufacturers' Association Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 8 to the Treasury Department Circular 570, 2009 Revision, published July 1, 2009, at 74 FR 31536.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874-6850.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued under 31 U.S.C. 9305 to the following company:

Pennsylvania Manufacturers' Association Insurance Company (NAIC # 12262). *Business Address:* P.O. Box 3031, Blue Bell, PA. 19422-0754. *Phone:* (610) 397-5000. *Underwriting Limitation b/:* \$20,193,000. **SURETY LICENSES C/:** AL, AK, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, MT, NE, NV, NJ, NM, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, WA, WV. *Incorporated In:* Pennsylvania.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 ("Circular"), 2009 Revision, to reflect this addition.

Certificates of Authority expire on June 30th each year, unless revoked

prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (see 31 CFR part 223). A list of qualified companies is published annually as of July 1 in the Circular, which outlines details as to the underwriting limitations, areas in which companies are licensed to transact surety business, and other information.

The Circular may be viewed and downloaded through the Internet at <http://www.fms.treas.gov/c570>.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: February 25, 2010.

Vivian L. Cooper,

Director, Financial Accounting and Services Division.

[FR Doc. 2010-4941 Filed 3-9-10; 8:45 am]

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UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

Date/Time: Tuesday, March 16, 2010. 11 a.m.–12 p.m.

Location: 1200 17th Street, NW., Suite 200, Washington, DC 20036-3011.

Status: Board Executive Session—Portions may be closed pursuant to Subsection (c) of section 552(b) of Title 5, United States Code, as provided in subsection I 706(h)(3) of the United States Institute of Peace Act, Public Law 98-525.

Agenda: March 16, 2010 Board Executive Session. Approval of Board Resolutions; Transition discussions.

Contact: Tessie F. Higgs, Executive Assistant, Telephone: (202) 429-3836.

Dated: March 3, 2010.

Tara Sonenshine,

Executive Vice President, United States Institute of Peace.

[FR Doc. 2010-4958 Filed 3-9-10; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 (Federal Advisory Committee Act) that a meeting of the Advisory Committee on Cemeteries and

Memorials will be held April 28–29, 2010, at the Houston Airport Marriott, 18700 John F. Kennedy Boulevard, Houston, Texas, from 8:30 a.m. to 4 p.m. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of national cemeteries, soldiers' lots and plots, the selection of new national cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits.

On April 28, the Committee will receive updates on National Cemetery Administration issues. On April 29, the Committee will tour Houston National Cemetery, located at 10410 Veterans Memorial Drive, Houston, Texas, and then reconvene at the hotel for a business session in the afternoon. On April 29, the Committee will discuss Committee recommendations, future meeting sites, and potential agenda topics at future meetings. Time will be allocated for receiving public comments at 1 p.m. Public comments will be limited to three minutes each.

Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1–2 page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

Members of the public may direct questions or submit written statements for review by the Committee in advance of the meeting to Mr. Michael Nacincik, Designated Federal Officer, Department of Veterans Affairs, National Cemetery Administration (41C2), 810 Vermont Avenue, NW., Washington, DC 20420, or by e-mail at Michael.n@va.gov. In the public's communications with the Committee, the writers must identify themselves and state the organizations, associations, or persons they represent. Any member of the public wishing to attend the meeting should contact Mr. Nacincik at (202) 461-6240.

Dated: March 5, 2010.

By Direction of the Secretary.

Vivian Drake,

Acting Committee Management Officer.

[FR Doc. 2010-5118 Filed 3-9-10; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Office of General Counsel involving Veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters involving the same legal issues. The summary is published to provide the public, and, in particular, Veterans' benefits claimants and their representatives, with notice of VA's interpretations regarding the legal matters at issue.

FOR FURTHER INFORMATION CONTACT: Susan P. Sokoll, Law Librarian, Department of Veterans Affairs, 810 Vermont Avenue, N.W. (026H), Washington, DC 20420, (202) 461-7623.

SUPPLEMENTARY INFORMATION: A VA regulation at 38 CFR 2.6(e)(8) delegates to the General Counsel the power to designate an opinion as precedential and 38 CFR 14.507(b) specifies that precedential opinions involving Veterans' benefits are binding on VA officials and employees in subsequent matters involving the legal issue decided in the precedent opinion. The interpretation of the General Counsel on legal matters, contained in such opinions, is conclusive as to all VA officials and employees, not only in the matter at issue, but also in future adjudications and appeals involving the same legal issues, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel that must be followed in future benefit matters and to assist Veterans' benefits claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above or by accessing the opinions on the internet at <http://www.va.gov/ogc/precedentopinions.asp>.

VAOPGCPREC 1-2010

Questions Presented

May the amount of a tort claim settlement required to be offset from 38 U.S.C. 1151 disability compensation be reduced by the amount of an overpayment of such compensation, due to untimely discontinuance of

compensation, that does not result in the creation of a debt or is waived?'

Held

If a veteran who has established entitlement to compensation for a disability under 38 U.S.C. 1151(a) is awarded a judgment or enters into a settlement or compromise under the Federal Tort Claims Act based on the same disability, section 1151(b)(1) prohibits the Department of Veterans Affairs (VA) from paying compensation for that disability for any month beginning after the judgment, settlement, or compromise becomes final until the aggregate amount of compensation that would otherwise have been paid equals the amount of the judgment, settlement, or compromise. If VA erroneously continues to pay compensation to the veteran and the resulting overpayment does not result in establishment of a debt or VA waives recovery of the overpayment, VA may not apply the amount of the overpayment or the waived amount to reduce the amount required to be offset from future compensation payments.

Effective Date: January 4, 2010.

VAOPGCPREC 2-2007 Withdrawn

VAOPGCPREC 2-2007 is not applicable to claims in which the claimant dies on or after October 10, 2008. Subsequent to the issuance of that opinion, Congress enacted Public Law 110-389, section 212 of which added a new section 5121A to title 38, U.S. Code, providing that, if a claimant dies while a claim or an appeal of a decision on a claim is pending, a person who would be eligible for accrued benefits under 38 U.S.C. 5121(a) may, within one year of the claimant's death, request to be substituted as the claimant for purposes of processing the claim to completion.

Furthermore, section 212(c) of Public Law 110-389 specifies that section 5121A shall apply with respect to the claim of any claimant who dies on or after the date of enactment, October 10, 2008. *Id.* Therefore, VAOPGCPREC 2-2007 is obsolete as to pending claims in which the claimant dies on or after that date.

Effective Date: September 14, 2009

VAOPGCPREC 6-1999 Withdrawn

VAOPGCPREC 6-99 is withdrawn in light of the subsequent decision of the Court of Appeals for Veterans Claims in *Bradley v. Peake*, 22 Vet. App. 280 (2010). In VAOPGCPREC 6-99, we explained that section 1114(s) excludes total disability based upon individual

unemployability (TDIU) as a basis for establishing a total rating under that section because a TDIU rating takes into account all of a Veteran's service-connected disabilities and that, therefore, considering a TDIU rating and a schedular rating in determining eligibility for SMC would conflict with the statutory requirement for "additional" disability of 60 percent or more by counting the same disability twice. The exclusion of TDIU as a basis for satisfying the total-rating requirement under section 1114(s) holds true in the specific circumstance where a disability relied upon in establishing the TDIU rating would also be relied upon, at least in part, in meeting the statutory requirement for "additional" disability of 60 percent or more. In such a case, consideration of a TDIU rating for purposes of awarding SMC would result in duplicate counting of a disability in awarding additional compensation.

However, the Veterans Court found there are other circumstances in which a TDIU rating may satisfy the total-rating requirement without resulting in duplicate counting of a disability. The court concluded that it is possible for a Veteran to be awarded TDIU based on a single disability and receive schedular disability ratings for other conditions. Under that circumstance, the court concluded there would be no duplicate counting of disabilities in awarding SMC based on the TDIU rating and schedular rating(s) and read the General Counsel opinion as not barring the TDIU rating where the same disability need not be counted twice, i.e., as a basis for TDIU and as a separate disability rated 60-percent or more disabling. Furthermore, the logic of *Bradley* suggests that if a Veteran has a schedular total rating for a particular service-connected disability and subsequently claims TDIU for a separate disability, VA must consider the TDIU claim despite the existence of the schedular total rating and award SMC under section 114(s) if VA finds the separate disability supports a TDIU rating independent of the other 100-percent disability rating. This would directly conflict with the holdings of VAOPGCPREC 6-99.

Effective Date: November 4, 2009

Dated: March 4, 2010.

By Direction of the Secretary.

Will A. Gunn,
General Counsel.

[FR Doc. 2010-5008 Filed 3-9-10; 8:45 am]

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