

system, based on veteran population data, will assist VA in maintaining and improving access to more veterans and their eligible family members for burial in a veterans cemetery.

In addition, square footage requirements for specific rooms and other specifications have been removed so the design of buildings will not be impeded by overly prescriptive requirements.

#### Paperwork Reduction Act

Although this document contains provisions constituting a collection of information at 38 CFR 39.6, 39.10, 39.16, 39.17, 39.25 and 39.26 under the Paperwork Reduction Act (44 U.S.C. 3501–3521), no new or proposed revised collections of information are associated with this proposed rule. The information collection requirements for §§ 39.6, 39.10, 39.16, 39.17, 39.25 and 39.26 are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control numbers 0348–0002, 0348–0043, 0348–0041, 0348–0042, and 2900–0559.

#### Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

#### Regulatory Flexibility Act

The Secretary hereby certifies that this proposed 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. Only individual VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

#### Unfunded Mandates

The Unfunded Mandates Reform Act requires (in section 202) that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

#### Catalog of Federal Domestic Assistance Program Number

The Catalog of Federal Domestic Assistance Program Number for this document is 64.203.

#### List of Subjects in 38 CFR Part 39

Cemeteries, Grant programs—veterans, Veterans.

Approved: February 19, 2003.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, VA proposes to revise 38 CFR part 39 to read as follows:

#### PART 39—AID TO STATES FOR ESTABLISHMENT, EXPANSION, AND IMPROVEMENT OF VETERANS' CEMETERIES

Sec.

##### Subpart A—General Provisions

- 39.1 Purpose.
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- 39.6 Preapplication requirements.
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- 39.10 Application requirements.
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##### Subpart D—Standards and Requirements for Project

- 39.19 General requirements for site selection and construction of veterans' cemeteries.
- 39.20 Site planning standards.
- 39.21 Space criteria for support facilities.
- 39.22 Architectural design standards.

##### Subpart E—Responsibilities, Inspections, and Reports Following Project Completion

- 39.23 Responsibilities following project completion.
- 39.24 State to retain control of operations.
- 39.25 Inspections, audits, and reports.

##### Subpart F—Forms

- 39.26 Forms.

Authority: 38 U.S.C. 101, 501, 2408.

#### Subpart A—General Provisions

##### § 39.1 Purpose.

This part sets forth the mechanism for a State to obtain a grant to establish, expand, or improve veterans' cemeteries that are or will be owned by the State.

(Authority: 38 U.S.C. 501, 2408.)

#### § 39.2 Definitions.

For the purpose of this part:

(a) *Establishment* means the process of site selection, land acquisition, design and planning, earthmoving, landscaping, construction and provision of initial operating equipment necessary to convert a tract of land to an operational veterans' cemetery.

(b) *Expansion* means an increase in the burial capacity or acreage of an existing cemetery through the addition of gravesites and other cemeterial facilities.

(c) *Improvement* means the enhancement of a cemetery through landscaping, nonrecurring maintenance, or addition of other features appropriate to cemeteries.

(d) *Establishment, expansion and improvement* include the installation of facilities necessary for the functioning of the cemetery, such as committal-service shelters, crypts (preplaced grave liners), and columbaria.

(e) *Time-phased development plan* means a detailed, narrative description of the proposed site's characteristics, schedule for development, and estimates of costs by phases of construction.

(f) *Project* means an undertaking to establish, expand, or improve a specific site for use as a State-owned veterans' cemetery.

(g) *State* means each of the States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(h) *Veteran* means a person who served in the active military, naval, or air service and who died while in service or was discharged or released under conditions other than dishonorable.

(i) *Secretary* means the Secretary of the United States Department of Veterans Affairs.

(j) *VA* means the United States Department of Veterans Affairs.

(k) *State Cemetery Grants Service (SCGS)* means the State Cemetery Grants Service within VA's National Cemetery Administration.

(Authority: 38 U.S.C. 101, 501, 2408.)

#### § 39.3 Decisionmakers, notifications, and additional information.

Decisions required under this part will be made by the Director, State Cemetery Grants Service, National Cemetery Administration, unless otherwise specified in this part. The VA decisionmaker will provide written notice to affected States of approvals, denials, or requests for additional information under this part.

(Authority: 38 U.S.C. 501, 2408.)