safety, but where the person or you later wished that person had taken one, please describe the instance.

7. If you know of instances where safety may make taking a course in boating safety unacceptable or undesirable, please describe them.

8. Are your aware of the intended uses and limits of the various kinds of courses in boating safety (classroom, home study, computer) and kinds of evaluations (proctored exams, non-proctored ones) approved by the Coast Guard?

9. What Federal requirements, if any, should the Coast Guard propose for boaters engaged in any particular activities to take courses in boating safety under any conditions?

10. Describe any other boaters, boating, or conditions on whose members the Coast Guard should propose Federal requirements to take courses in boating safety.

C. General

1. What benefits (in terms of personal safety or other terms) do you think would accrue from Federal requirements to take courses in boating safety? What cost (in terms of money, paperwork, inconvenience, or other terms) would accrue from such requirements? Would the cost outweigh the benefits?

2. Please describe any nonregulatory ways to reduce the number of recreational boating deaths due to a lack of boating safety training, at lower costs or with less burden than Federal requirements would entail.

3. Is there any other information you feel may help the Coast Guard reduce the number of deaths due to recreational boating with lower cost to, or lesser burden on, the Coast Guard itself, the States, and, most of all, boaters?

The Coast Guard will summarize all comments it receives during the comment period in response to this notice, place a copy of the summary in the public docket, and provide copies to the members of NBSAC for them to consider at their meeting in April 1998. It will itself consider all relevant comments in the formulation of any regulatory and nonregulatory measures that may follow from this notice.

Dated: October 17, 1997.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 97–28100 Filed 10–22–97; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 20

RIN 2900–AI87

Board of Veterans' Appeals: Rules of Practice—Continuation of Representation Following Death of a Claimant or Appellant

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend the Rules of Practice of the Board of Veterans' Appeals (Board) to eliminate a rule which automatically assigns a deceased appellant's representative to the appellant's survivor. This change is necessary because of a court ruling which eliminates the need for such a provision.

DATES: Comments must be received on or before December 22, 1997.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to ''RIN 2900–AI87.'' All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Chief Counsel, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 (202–565–5978).

SUPPLEMENTARY INFORMATION: The Board is an administrative body that decides appeals from denials of claims for veterans' benefits.

Currently, Rule 611 (38 CFR 20.611) provides that a person or organization properly designated to represent a claimant or appellant will be recognized as the representative of his or her survivors for a period of one year following the death of the claimant or appellant. This provision was deemed necessary to ensure continuity of representation, since Rule 1302 (38 CFR 20.1302) previously provided that, when an appeal is pending before the Board at the time of the appellant's death, the Board could complete its action on the issues properly before it without application from the survivors. In *Smith (Irma)* v. *Brown*, No. 95–898 (Vet. App. June 13, 1997), the U.S. Court of Veterans Appeals ruled that former Rule 1302 is invalid because, pursuant to the court's ruling in *Landicho* v. *Brown*, 7 Vet. App. 42, 47 (1994), a pending claim for compensation benefits under chapter 11 of title 38, United States Code, does not survive the claimant's death. Thus, when an appellant dies prior to the promulgation of the Board's decision with regard to a compensation claim, the Board no longer has jurisdiction of the appeal, and the appeal must be dismissed. Rule 1302 has been amended to provide that an appeal pending when the veteran dies will be dismissed. Similarly, Rule 611 was amended to eliminate a provision permitting a deceased appellant's representative to continue to act with respect to any appeal pending upon the death of the appellant.

Because there is no longer any need to provide for continuous representation, we propose to eliminate Rule 611.

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. This rule will affect only the processing of claims by VA and will not affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Veterans.

Approved: October 8, 1997.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 20 is proposed to be amended as set forth below:

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

1. The authority citation for part 20 continues to read as follows:

Authority: 38 U.S.C. 501(a).

Subpart G—Representation

§ 20.611 [Removed]

2. In subpart G, § 20.611 is removed and reserved.

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