State	Station location	County/offshore location
UT	Salt Lake City	Salt Lake.
UT	Aneth	San Juan.
UT	Patterson Canyon Jct	San Juan.
UT	Bonanza Station	Uintah.
UT	Red Wash Station	Uintah.
WY	Rock River	Albany.
WY	Byron	Big Horn.
WY	Central Hilight Sta	Cambell.
WY	Rocky Point	Cambell.
WY	Ferris Jct	Carbon.
WY	Big Muddy Sta	Converse.
WY	Glenrock	Converse.
WY	Lightening Flats	Crook.
WY	Pilot Butte Sta	Freemont.
WY	Ft. Laramie	Goshen.
WY	Cottonwood Jct	Hot Springs.
WY	Crawford Sta	Johnson.
WY	Reno	Johnson.
WY	Sussex	Johnson.
WY	Cheyenne	Laramie.
WY	Casper	Natrona.
WY	Noches	Natrona.
WY	Lance Creek Station	Niobrara.
WY	Frannie Sta	Park.
WY	Oregon	Park.
WY	Oregon Basin Sta	Park.
WY	Bridger Station	Uinta.
WY	Chatham Sta	Washakie.
WY	Butte Sta	Weston.
WY	Mush Creek Jct	Weston.
WY	Osage Station	Weston.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 84

[CGD 95–037]

Adequacy of Barge and Tug Navigation Lights

AGENCY: Coast Guard, DOT.

ACTION: Notice of termination.

SUMMARY: This request for comments was initiated in response to concerns expressed by the marine community, both commercial and recreational, that current lighting requirements for towing vessels and vessels being towed are not adequate. The Coast Guard solicited public input regarding current lighting requirements. However, after review and discussion of the comments, the Coast Guard has concluded that there are no problems with the lighting of underway tug and barge combinations which can be addressed through changes to current lighting requirements for towing vessels and vessels under tow. Therefore, the Coast Guard is terminating further action under docket number 95–037.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Schneider, Project Manager, Vessel Traffic Management Division (G–MOV), (202) 267–0415.

DATES: This termination is effective on July 3, 1997.

SUPPLEMENTARY INFORMATION: The Inland Navigation Rules (Navigation Rules) are set forth in 33 U.S.C. 2001, *et seq.*, and Commandant Instruction M16672.2C. (The Inland Navigation Rules also will be set forth in future versions of this Commandant Instruction which will likely be issued under slightly different instruction numbers.) Under 33 U.S.C. 2071, the Secretary of Transportation may issue regulations to implement and interpret the Navigation Rules. The Secretary is also directed to establish technical annexes. The technical annex for lighting requirements is contained in 33 CFR part 84. This annex specifies placement requirements for lights, including placement of lights on towing vessels and vessels under tow.

Safety concerns associated with towing operations and small craft traffic have been raised in recent years in several publications, including the *American Boat and Yacht Council Newsletter, U.S. Coast Guard Boating Safety Circulars,* America's Inland and Coastal Tug and Barge Operators pamphlet ''Life Lines'', and various yachting magazines. The safety aspects of barge lighting were discussed at the May 1994 meeting of National Boating Safety Advisory Council (NBSAC). At its November 1994 meeting, the Navigation Safety Advisory Council (NAVSAC) was asked to consider whether current tug and tow lighting requirements under Navigation Rule 24 are adequate.

NAVSAC concluded that additional information was needed to determine whether there was an actual problem, and, if so, to determine possible solutions. The Council unanimously passed a resolution requesting that the Coast Guard solicit public comments on whether towing vessels and vessels being towed are sufficiently lighted while underway.

On May 9, 1995, the Coast Guard published a Request for Comments in the **Federal Register** (60 FR 24598). The Coast Guard received 94 comments. In response to some of these comments, the Coast Guard published a notice (60 FR 53726; October 17, 1995) and held a public meeting at the Holiday Inn Downtown/Convention Center, 811 North Ninth Street, St. Louis, MO 63101 on November 11, 1995.

After careful review and discussion of the comments, NAVSAC determined that the problems associated with the lighting of barges were not due to the lighting configuration but rather due to other factors. The Coast Guard agrees

that other factors—such as the lack of boater education in recognizing lighting configurations; no licensing requirement for recreational boaters; boating while intoxicated; and the lack of compliance with existing lighting requirements—are responsible for the problems. Therefore, no rulemaking is necessary, and the Coast Guard is terminating further action under docket number 95–037.

Dated: June 24, 1997

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97–17471 Filed 7–2–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

Board of Veterans' Appeals

38 CFR Part 19

RIN 2900–AI50

Appeals Regulations: Remand for Further Development

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to change the appeals regulations of the Board of Veterans' Appeals (Board) of the Department of Veterans Affairs (VA). The regulations would be changed regarding the circumstances in which the Board must remand a case to the VA field facility with original jurisdiction in the case. The changes are proposed to help avoid unnecessary remands.

DATES: Comments must be received on or before August 4, 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–AI72.'' All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 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. The appeals come to the Board from ''agencies of original jurisdiction'' (AOJs), typically one of VA's 58 regional offices.

The provisions of 38 CFR 19.9 require the Board to remand a case to the AOJ if ''it [were] determined that further evidence or clarification of the evidence or correction of a procedural defect is essential for a proper appellate decision.'' The current rule appears to be unsatisfactory in two ways.

First, § 19.9 only imposes the requirement for a remand; it does not except specific kinds of evidentiary development we intended the Board to carry out without remand to an AOJ. Those specific kinds of evidentiary development are (1) Board requests for opinions from the VA Under Secretary for Health, the Armed Forces Institute of Pathology, the VA General Counsel, and independent medical experts under 38 CFR 20.901, see *Austin* v. *Brown,* 6 Vet. App. 547, 553–54 (1994), and (2) Board supplementation of the record with recognized medical treatises in accordance with *Colvin* v. *Derwinski,* 1 Vet. App. 171, 175 (1991). Proposed § 19.9(b) would except from the remand requirement each of these kinds of evidentiary development, as well as matters over which the Board has original jurisdiction.

Second, by requiring a remand to correct a procedural defect whose correction is essential for a proper appellate decision, § 19.9 causes unnecessary remands because some procedural defects cannot be corrected by an AOJ or can be corrected more efficiently by the Board itself. For example, if an appellant's desires concerning a hearing are unclear, the Board can clarify them as easily as can an AOJ. A remand merely for clarification of an appellant's hearing desires would be time-consuming, and premature if the appellant wanted a hearing before the Board. Therefore, it is proposed to amend § 19.9(a) to not require a remand to clarify procedural matters before the Board, such as an appellant's request for a hearing before the Board.

Avoiding unnecessary remands helps the Board reduce its response time on appeals. A remand by the Board is in the nature of a preliminary order, not a final Board decision, 38 CFR 20.1100(b); *Zevalkink* v. *Brown,* 6 Vet. App. 483, 488 (1994), and results in at least one additional adjudication at the AOJ, 38 CFR 19.38. If that additional adjudication does not result in the granting of all benefits sought, the case must be returned to the Board for a final decision. *Id.* In any event, a remand necessarily extends the time an appellant must wait for a final decision on his or her claim. In addition, because the majority of remands eventually return to the Board for adjudication, remands increase the Board's response time on appeals in general.

Remands for technical reasons that do not affect an appellant's right to due process—such as the choice of representative, clarification of the issues on appeal, or requests for hearings before the Board—do not produce evidence which can result in a grant of benefits by the AOJ. Particularly when such clarification could be easily undertaken by the Board, those remands result only in a return of the case to the Board with procedural clarification, needless delay for the individual appellant and additional delay for all appellants. The purpose of this proposal to change § 19.9 is to reduce unnecessary remands, while protecting appellants' right to have any evidence considered in the first instance by the AOJ.

Proposed § 19.9 would require the Board to remand a case to the AOJ when additional evidence or clarification of the evidence or correction of a procedural defect is essential for a proper appellate decision, but would specify that the Board need not remand a case to clarify procedural matters before the Board, such as the choice of representative, the issues on appeal, or requests for hearings before the Board.

The proposed rule would not apply to requests for medical or legal opinions under 38 CFR 20.901, which continue to be exceptions to the general rule requiring remand to the AOJ if new evidence is properly before the Board. See *Austin* v. *Brown,* 6 Vet. App. 547, 553–54 (1994) (§ 20.901 ''appear[s] to be the exclusive regulatory exception to the general rule of mandatory remand under § 19.9''). The rule also would not apply to matters in which the Board has original jurisdiction under 38 CFR 20.609 (relating to representatives' fees) and § 20.610 (relating to representatives' expenses), since those cases, by their terms, do not involve adjudications by AOJs.

VA routinely provides for a 60-day comment period for proposed rules. However, the comment period for this document is shortened to 30 days. We believe that VA should consider the issues raised by this document on an expedited basis since it appears that adoption of the proposal would help avoid unnecessary remands.

The Secretary hereby certifies that the adoption of the proposed rule would not