

EXEMPTIONS CLAIMED FOR THE SYSTEM:

5 U.S.C. 552a(j)(2).

[FR Doc. 96-32025 Filed 12-17-96; 8:45 am]

BILLING CODE 4910-62-P

Surface Transportation Board

[STB Docket No. AB-364 (Sub-No. 3X)]

**Texas Northeastern Division, Mid-Michigan Railroad, Inc.—
Discontinuance of Service
Exemption—in Red River and Bowie
Counties, TX**

[STB Docket No. AB-3 (Sub-No. 137X)]

**Missouri Pacific Railroad Company—
Abandonment Exemption—in Red
River and Bowie Counties, TX**

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board exempts from the requirements of 49 U.S.C. 10903 the discontinuance of service by Texas Northeastern Division, Mid-Michigan Railroad, Inc., over, and the abandonment by Missouri Pacific Railroad Company of, a 38.5-mile rail line extending from milepost 23.0 at New Boston, to the end of track at milepost 61.5 near Clarksville, in Red River and Bowie Counties, TX, subject to historic preservation and standard labor protective conditions.

DATES: The exemption will be effective January 17, 1997 unless it is stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Statements of intent to file an OFA¹ under 49 CFR 1152.27(c)(2) and requests for a notice of interim trail use/rail banking under 49 CFR 1152.29 must be filed by December 30, 1996; petitions to stay must be filed by January 2, 1997; requests for a public use condition under 49 CFR 1152.28 must be filed by January 7, 1997; and petitions to reopen must be filed by January 13, 1997.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Docket No. AB-364 (Sub-No. 3X) and STB Docket No. AB-3 (Sub-No. 137X) must be filed with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423; in addition, a copy of all pleadings must be served on petitioner's representative: Michael W. Blaszk, Esq., 211 South Leitch Avenue, LaGrange, IL 60525-2162.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660.

[TDD for the hearing impaired (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call or pick up in person from: DC NEWS & DATA, INC., 1201 Constitution Avenue, NW., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: December 4, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 96-32096 Filed 12-17-96; 8:45 am]

BILLING CODE 4915-00-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 Department's 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. It is being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, 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' benefit 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.

VAOPGCPREC 4-96

Question Presented

Are the provisions of 38 U.S.C. 110 violated when two service-connected disabilities, which have been erroneously rated as one disability at or above a specific evaluation for 20 or more years, are rerated as two separate disabilities such that the combination of their evaluations equals or exceeds the prior specific evaluation?

Held

The provisions of 38 U.S.C. 110, which prohibit a disability that has been continuously rated at or above any evaluation for 20 or more years for compensation purposes from thereafter being rated at less than such evaluation, are not violated when two or more service-connected disabilities, which have been erroneously rated as one disability (but not as the result of the combination of known or determinable separate disability evaluations under 38 C.F.R. 4.25), at or above a specific evaluation for at least 20 years, are rerated as separate disabilities such that the combination of their evaluations equals or exceeds the prior specific evaluation.

Effective Date: July 18, 1996.

VAOPGCPREC 5-96

Question Presented

a. Is the Department of Veterans Affairs (VA) authorized to directly pay an attorney's fee from past-due benefits in a case where the attorney's representation is limited solely to the proceedings before the Court of Veterans Appeals (CVA) and the benefits are awarded to the veteran by VA following a CVA remand for additional development?

b. In a case where an attorney's representation is limited to the CVA proceedings and VA grants benefits to the veteran following a CVA remand for additional development, must the fee agreement specifically mention that it includes benefits awarded for dependents for the attorney to be paid

¹ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).