

substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The amendments would not directly affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

There are no applicable Catalog of Federal Domestic Assistance program numbers.

#### List of Subjects

##### 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans.

##### 38 CFR Part 14

Administrative practice and procedure, Claims, Courts, Foreign relations, Government employees, Lawyers, Legal services, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Surety bonds, Trusts and trustees, Veterans.

Approved: December 9, 1996.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 38 parts 3 and 14 are amended as set forth below:

#### PART 3—ADJUDICATION

##### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

##### § 3.101 [Removed]

2. Section 3.101 is removed.

3. The section heading of § 3.352 is revised to read as follows:

**§ 3.352 Criteria for determining need for aid and attendance and “permanently bedridden.”**

#### PART 14—LEGAL SERVICES, GENERAL COUNSEL

4. The authority citation for part 14 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 2671–2680; 38 U.S.C. 501(a), 5502, 5902–5905, unless otherwise noted.

##### § 14.507 [Amended]

5. In § 14.507, the first sentence of paragraph (a) is amended by removing the words “is a change” and adding, in their place, the words “has been a material change”, and paragraph (b) is

amended by adding at the end thereof the words “An opinion designated as a precedent opinion is binding on Department officials and employees in subsequent matters involving a legal issue decided in the precedent opinion, unless there has been a material change in a controlling statute or regulation or the opinion has been overruled or modified by a subsequent precedent opinion or judicial decision.”

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#### 38 CFR Part 19

##### RIN 2900–AI59

#### Appeals Regulations: Notice of Board of Veterans’ Appeals Decisions

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs’ (VA) Appeals Regulations for appeals to the Board of Veterans’ Appeals (Board) by removing provisions that do not conform to recent legislation.

**EFFECTIVE DATE:** December 30, 1996.

##### 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:** Section 509 of the Veterans’ Benefits Improvements Act of 1996, Public Law 104–275, § 509, 110 Stat. 3322, 3344, amended 38 U.S.C. 7104(e) to permit the Board to mail copies of its decision to the claimant’s representative or to use any other means of delivery likely to result in delivery within the same time as would be expected with mailing by first-class mail. 38 CFR 19.8 previously reflected the old provisions of 38 U.S.C. 7104(e) that permitted decision delivery only by mailing. This document removes from § 19.8 material on Board decision delivery that does not conform to the new legislation and makes nonsubstantive changes to the remaining material in § 19.8 concerning preservation of claimants’ privacy interests in simultaneously contested claims.

This final rule concerns agency procedure or practice and, pursuant to 5 U.S.C. 553, is exempt from notice and comment requirements.

The Secretary hereby certifies that this final 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 VA beneficiaries and will not affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirement of sections 603 and 604.

#### List of Subjects in 38 CFR Part 19

Administrative practice and procedure, Claims, Veterans.

Approved: December 16, 1996.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR part 19 is amended as set forth below:

#### PART 19—BOARD OF VETERANS’ APPEALS: APPEALS REGULATIONS

1. The authority citation for part 19 continues to read as follows:

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

2. Section 19.8 is revised to read as follows:

##### § 19.8 Content of Board decision, remand, or order in simultaneously contested claims.

The content of the Board’s decision, remand, or order in appeals involving a simultaneously contested claim will be limited to information that directly affects the issues involved in the contested claim. Appellate issues that do not involve all of the contesting parties will be addressed in one or more separate written decisions, remands, or orders that will be furnished only to the appellants concerned and their representatives, if any.

(Authority: 5 U.S.C. 552a(b), 38 U.S.C. 5701(a))

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#### DEPARTMENT OF THE INTERIOR

##### Office of the Secretary

#### 43 CFR Part 12

##### RIN 1090–AA59

#### Administrative and Audit Requirements and Cost Principles for Assistance Programs

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

**SUMMARY:** This final rule is in response to the “Omnibus Consolidated Appropriations Act of 1997,” and the “Energy and Water Development Appropriations Act, 1997.” Section 307(a) of Public Law 104–208 required