clear of the race course area as marked by the sponsor provided buoys.

(3) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Effective dates:* This regulation is effective from 9:30 a.m. to 6:30 p.m. on October 11 and 12, 1997.

Dated: September 23, 1997.

**J. Carmichael,**

*Acting Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 97–26696 Filed 10–7–97; 8:45 am]

BILLING CODE 4910–14–M

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 117

**[CGD8–97–037]**

**RIN 2115–AE47**

## Drawbridge Operation Regulation; Red River, LA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule removes the regulation for the S 8 bridge across the Red River, mile 105.0 at Boyce, Rapides Parish, Louisiana. The swing span was removed and the regulation governing its operation is no longer necessary.

**DATES:** This regulation becomes effective on October 8, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. David M. Frank, Bridge Administration Branch. (504) 589–2965.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice for proposed rulemaking for this regulation has not been published, and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would be unnecessary. The draw to which this rule applies was removed in 1985 and replaced by a fixed span bridge.

The S 8 bridge across the Red River, mile 105.0, at Boyce, Louisiana, was removed and replaced in 1985 by a fixed span bridge. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation that pertained to this draw. This rule removes the regulation for this bridge in § 117.491.

### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) FR 11040; February 26, 1979).

The Coast Guard expects no economic impact from this rule and a full Regulatory Evaluation is unnecessary. This rule will have no economic impact because it removes a regulation that applies to a bridge that no longer exists.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule, if adopted, will have a significant economic impact on a substantial number of small entities. Small entities may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

This rule will have no impact on either vehicular or navigational traffic because the regulation being removed applies to a bridge that has been removed. Because it will have no impact, the Coast Guard certifies under 5 U.S.C. 605(b) that it will not have any economic impact on a substantial number of small entities.

### Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States belongs to the Coast Guard by Federal statutes.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.(g)(5) of Commandant Instruction M16475 1B, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

**§ 117.491 [Amended]**

2. In section 117.491, paragraph (a)(3) is removed.

Dated: September 18, 1997.

**T.W. Josiah,**

*Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.*

[FR Doc. 97–26698 Filed 10–7–97; 8:45 am]

BILLING CODE 4910–14–M

## DEPARTMENT OF VETERANS AFFAIRS

## 38 CFR Part 19

**RIN 2900–AI50**

## Appeals Regulations: Remand for Further Development

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document adopts as a final rule amendments to the appeals regulations of the Board of Veterans' Appeals (Board) of the Department of Veterans Affairs (VA). The amendments change the circumstances in which the Board must remand a case to the VA field facility with original jurisdiction in the case. The changes help avoid unnecessary remands.

**EFFECTIVE DATE:** October 8, 1997.

**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:** On July 3, 1997, VA published in the **Federal Register** (62 FR 36038) a proposed rule which would require the Board to remand a case to the agency of original jurisdiction (''AOJ'') (usually one of VA's 58 regional offices) 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, nor 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.

The public was given 30 days to submit comments. VA received no comments.

Accordingly, based on the rationale set forth in the proposed rule document, we are adopting without change the provisions of the proposed rule as a final rule.

Good cause is found for making this final rule effective on publication. This final rule will help avoid unnecessary remands without causing adverse effects to claimants.

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

Administrative practice and procedure, Claims, Veterans.

Approved: September 26, 1997.

**Hershel W. Gober,**

*Acting 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), unless otherwise noted.

2. In subpart A, § 19.9 is revised to read as follows:

**§ 19.9 Remand for further development.**

(a) *General.* If further evidence or clarification of the evidence or correction of a procedural defect is essential for a proper appellate decision, a Member or panel of Members of the Board shall remand the case to the agency of original jurisdiction, specifying the action to be undertaken. A remand is not required to clarify procedural matters before the Board, including appellant's choice of representative before the Board, the issues on appeal, and requests for hearings before the Board.

(b) *Scope.* This section does not apply to:

(1) The Board's requests for opinions under Rule 901 (§ 20.901 of this chapter);

(2) The Board's supplementation of the record with recognized medical treatises; and

(3) Matters over which the Board has original jurisdiction described in Rules 609 and 610 (sections 20.609 and 20.610 of this chapter).

(Authority: 38 U.S.C. 7102, 7103(c), 7104(a))

[FR Doc. 97–26613 Filed 10–7–97; 8:45 am]

BILLING CODE 8320–01–P

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## DEPARTMENT OF VETERANS AFFAIRS

## 38 CFR Part 36

**RIN 2900–AI92**

## Loan Guaranty: Requirements for Interest Rate Reduction Refinancing Loans

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Interim final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) loan guaranty regulations concerning the requirements for Interest Rate Reduction Refinancing Loans (IRRRLs) by generally limiting these loans to instances where the veteran's monthly mortgage payment will decrease, and by generally requiring that the loans being refinanced be current in their payments. This action is necessary to ensure that these loans are made only when they provide a real benefit to the veteran, and to protect the financial interest of the Government.

**DATES:** Effective Date: This rule is effective October 8, 1997. Comments must be received on or before December 8, 1997.

**ADDRESSES:** Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to ''RIN 2900–AI92.'' All written comments received will be available for public inspection at the above address, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

**FOR FURTHER INFORMATION CONTACT:** Ms. Judith Caden, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–7368.

**SUPPLEMENTARY INFORMATION:** Under the authority of 38 U.S.C. Chapter 37, VA guarantees loans made by lenders to eligible veterans to purchase, construct, improve, or refinance their homes (the term veteran as used in this document includes any individual defined as a veteran under 38 U.S.C. 101 and 3701 for the purpose of housing loans). This document amends VA's loan guaranty regulations by revising the requirements for VA-guaranteed Interest Rate Reduction Refinancing Loans (IRRRLs).

IRRRLs are designed to assist veterans by allowing them to refinance an outstanding VA-guaranteed loan with a new loan at a lower rate. The provisions of 38 U.S.C. 3703(c)(3) and 3710(e)(1)(C) allow the veteran to do so without having to pay any out-of-pocket expenses. The veteran may include in the new loan the outstanding balance of the old loan plus reasonable closing costs, including up to two discount points. Over the years, IRRRLs have provided nearly one million veterans an opportunity to reduce the interest rates and, thus, the monthly payments on their home mortgages.

We have recently learned that a small number of lenders have been urging veterans to apply for loans under conditions that increase the risk of loss to both the veteran and the Government, and do not provide the benefit that IRRRLs were enacted to give. In some cases, these loans involve exorbitant costs in relation to the small reduction in the interest rate. Thus, veterans actually experience an increase in their monthly payment notwithstanding the lower rate. In other cases, lenders are urging veterans to default on their current loan, then refinance the delinquent loan with a new loan including the past due interest and late charges.

In one case, a veteran obtained a 30-year loan for a new home in Florida in October 1991. The fixed-rate mortgage was for $95,800 (including funding fee) at the State bond program interest rate of 7.99 percent with a principal and interest payment of $702.28. In March 1995 he obtained an adjustable rate mortgage (ARM) IRRRL with an initial interest rate of 7.5 percent. This loan was for $103,950 and had an initial payment amount of $726.83. It included $8,912.54 in closing costs, including 5.5 discount points. In January 1997, the ARM interest rate had been adjusted to 8.25 percent, and he obtained another IRRRL for $111,090 at a fixed interest rate of 8.00 percent and a monthly payment of $815.14. Thus, in a little