

(2) Residual stability when the vessel's compartments are breached.

(3) The most favorable off-loading, ballasting, or cargo transfer sequences to improve residual stability, reduce hull girder stresses, and reduce ground-force reaction.

(4) The bending and shear stresses caused by pinnacle loads from grounding or stranding.

[CGD 90-068, 58 FR 67996, Dec. 22, 1993, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

[FR Doc. 00-55505 Filed X-XX-00, 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Parts 19 and 20

RIN 2900-AJ72

#### Appeals Regulations and Rules of Practice—Case Docketing

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** The Board of Veterans' Appeals (Board) adjudicates appeals from decisions on claims for veterans' benefits filed with the Department of Veterans Affairs (VA). This document updates the Board's procedures to reflect changes made by section 1003 of the Veterans Programs Enhancement Act of 1998 and to reflect the change in the name of the United States Court of Veterans Appeals to the United States Court of Appeals for Veterans Claims.

#### DATES:

*Effective Date:* March 17, 2000.

*Applicability Date:* November 10, 1998, except for §§ 20.609(i), 20.714(a)(5), 20.717(b), and 20.900(d) which are applicable March 1, 1999.

#### FOR FURTHER INFORMATION CONTACT:

Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202-565-5978.

**SUPPLEMENTARY INFORMATION:** Initial decisions on claims for veterans' benefits are made at VA field offices throughout the nation. Claimants may appeal those decisions to the Board. Section 1003 of the Veterans Programs Enhancement Act of 1998, Public Law 105-368, 112 Stat. 3315, 3363-64 (1998), amended 38 U.S.C. 7107 to make these changes in procedures for processing cases before the Board:

(1) Serious illness and severe financial hardship are now included in the statutory grounds for advancing a

case on the Board's docket. 38 U.S.C. 7107(a)(2).

(2) A new provision permits postponement of consideration of a case in order to afford an appellant a hearing. 38 U.S.C. 7107(a)(3).

(3) The order in which the Board conducts field hearings in areas served by VA regional offices has been changed from the order in which requests for hearings in each area are received to the docket order of the cases that are scheduled for hearings within the same area. 38 U.S.C. 7107(d)(2).

(4) The statutory grounds in 38 U.S.C. 7107(d)(3) for advancing a hearing within an area served by a regional office now conform to the grounds in 38 U.S.C. 7107(a)(2) for advancing a case on the Board's docket.

This document amends 38 CFR 19.75, 20.704, and 20.900 to conform to these statutory changes.

Section 511 of the same public law, 112 Stat. at 3341, changed the name of the United States Court of Veterans Appeals to the United States Court of Appeals for Veterans Claims. Amendments to 38 CFR 20.609, 20.714, 20.717, and 20.900 change references to the Court to reflect its new name.

VA finds under 5 U.S.C. 553(b)(3)(B) that notice and public procedure are impracticable, unnecessary, and contrary to public interest inasmuch as these amendments merely reflect statutory changes.

Because no notice of proposed rulemaking was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601-612). Even so, 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.

There is no Catalog of Federal Domestic Assistance number for this final rule.

#### List of Subjects

##### 38 CFR Part 19

Administrative practice and procedure; Claims; Veterans; Authority delegations (government agencies).

##### 38 CFR Part 20

Administrative practice and procedure; Claims; Lawyers; Legal services; Veterans; Authority delegations (government agencies).

Approved: March 10, 2000.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR parts 19 and 20 are 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. Section 19.75 is revised to read as follows:

### § 19.75 Field hearing docket.

Hearings on appeal held at Department of Veterans Affairs field facilities will be scheduled for each area served by a regional office in accordance with the place of each case on the Board's docket, established under § 20.900 of this chapter, relative to other cases for which hearings are scheduled to be held within that area. Such scheduling is subject to § 20.704(f) of this chapter pertaining to advancement of a case on the hearing docket.

(Authority: 38 U.S.C. 7107)

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

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

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

4. Section 20.704 is amended by revising the second sentence of paragraph (a); and revising paragraph (f) to read as follows:

### § 20.704 Rule 704. Scheduling and notice of hearings conducted by the Board of Veterans' Appeals at Department of Veterans Affairs field facilities.

(a) *General.* \* \* \* Subject to paragraph (f) of this section, the hearings will be scheduled in the order specified in § 19.75 of this chapter.

\* \* \*

(f) *Advancement of the case on the hearing docket.* A hearing may be scheduled at a time earlier than would be provided for under § 19.75 of this chapter upon written motion of the appellant or the representative. The same grounds for granting relief, motion filing procedures, and designation of authority to rule on the motion specified in Rule 900(c) (§ 20.900(c) of this part) for advancing a case on the Board's docket shall apply.

(Authority: 38 U.S.C. 7107)

(Approved by the Office of Management and Budget under control number 2900-0085)

5. In § 20.900, paragraphs (b) and (c) are revised; and paragraph (e) is added, to read as follows:

**§ 20.900 Rule 900. Order of consideration of appeals.**

\* \* \* \* \*

(b) *Appeals considered in docket order.* Except as otherwise provided in this Rule, appeals are considered in the order in which they are entered on the docket.

(c) *Advancement on the docket.* A case may be advanced on the docket on the motion of the Chairman, the Vice Chairman, a party to the case before the Board, or such party's representative. Such a motion may be granted only if the case involves interpretation of law of general application affecting other claims, if the appellant is seriously ill or is under severe financial hardship, or if other sufficient cause is shown. "Other sufficient cause" shall include, but is not limited to, administrative error resulting in a significant delay in docketing the case. Such motions must be in writing and must identify the specific reason(s) why advancement on the docket is sought, the name of the veteran, the name of the appellant if other than the veteran (*e.g.*, a veteran's survivor, a guardian, or a fiduciary appointed to receive VA benefits on an individual's behalf), and the applicable Department of Veterans Affairs file number. The motion must be filed with: Director, Administrative Service (014), Board of Veterans' Appeals, 810 Vermont Avenue, NW., Washington, DC 20420. Where a motion is received prior to the assignment of the case to an individual member or panel of members, the ruling on the motion will be by the Vice Chairman, who may delegate such authority to a Deputy Vice Chairman. If a motion to advance a case on the docket is denied, the appellant and his or her representative will be immediately notified. If the motion to advance a case on the docket is granted, that fact will be noted in the Board's decision when rendered.

\* \* \* \* \*

(e) *Postponement to provide hearing.* Any other provision of this Rule notwithstanding, a case may be postponed for later consideration and determination if such postponement is necessary to afford the appellant a hearing.

(Authority: 38 U.S.C. 7107, Pub. Law No. 103-446, § 302)

**§ 20.609 [Amended]**

6. In § 20.609, paragraph (i) is amended by removing "the Court of Veterans Appeals" from the next to the last sentence and adding, in its place, "the United States Court of Appeals for Veterans Claims".

**§§ 20.714, 20.717, and 20.900 [Amended]**

7. Sections 20.714(a)(5), 20.717(b), and 20.900(d) are amended by removing "the United States Court of Veterans Appeals" wherever it appears and, in each such section, adding in its place "the United States Court of Appeals for Veterans Claims".

[FR Doc. 00-6613 Filed 3-16-00; 8:45 am]

BILLING CODE 83201-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 148, 261, 268, 271, and 302**

[FRL-6560-4]

RIN 2050-AD59

**Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) today is announcing the vacature of regulatory provisions governing the identification of certain wastes as listed hazardous wastes. EPA is amending its regulations to conform with an order issued by the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir.) in *Great Lakes Chemical Corporation v. EPA* (No. 98-1312), that vacated Agency regulations listing certain organobromine wastes as hazardous wastes under the Resource Conservation and Recovery Act (RCRA).

EPA also is modifying the land disposal restrictions treatment standards in 40 CFR part 268 by deleting these wastes and the associated treatment standards. In addition, EPA is vacating the Reportable Quantity (RQ) requirements for these notifications. Under the court's order, and as amended in today's rule, the vacated federal hazardous waste listings and regulatory requirements based on those listings are to be treated as though they were never in effect. State regulations, which may be more stringent than

federal rules, were not necessarily affected by the court's ruling.

**EFFECTIVE DATE:** This rule will be effective on March 17, 2000.

**ADDRESSES:** EPA does not seek comment on this document. EPA will keep the official record for this action in paper form. The official record of this action is identified by Docket Number F-98-OBLF-FFFFF. The public may view supporting materials in the RCRA Information Center (RIC), located at EPA, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. To review docket materials, we recommend that you make an appointment by calling (703) 603-9230. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page.

Supporting materials are available for viewing in the RCRA Information Center (RIC), Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters, US EPA Ariel Rios (5101), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, D.C., metropolitan area, call (703) 412-9810 or TDD (703) 412-3323. For information on specific aspects of the rule, contact William (Rick) Brandes of the Office of Solid Waste (5304W), U.S. Environmental Protection Agency, US EPA Ariel Rios, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460. [E-mail address and telephone numbers: [Brandes.william@epa.gov](mailto:Brandes.william@epa.gov), (703) 308-8871.]

**SUPPLEMENTARY INFORMATION:** The court order vacating the listing determination will be added to Docket Number F-98-OBLF-FFFFF, the public docket for the rule that listed the organobromine wastes as hazardous. The rule, "Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities," was issued in the **Federal Register** at 63 FR 24596 (May 4, 1998). EPA will keep the official record for this action in paper form. The official record is the paper record maintained at the address in the **ADDRESSES** section.

**Contents of This Final Rule**

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