

Veterans' Appeals (Board) with respect to evidence accepted by the Board after transfer of the record to the Board to specify that an appellant's representative may waive the right to have such evidence referred to the agency of original jurisdiction. This amendment is necessary because there has been confusion as to whether such a waiver may only be made by an appellant. This amendment is intended to provide clarification and to be consistent with general principles permitting use of representatives by VA claimants. Also, this amendment will help expedite the handling of appeals.

EFFECTIVE DATE: May 15, 1995.

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Counsel to the Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; (202) 233-2978.

SUPPLEMENTARY INFORMATION: The Board provides final appellate review within the Department of Veterans Affairs (VA) of questions of law and fact relating to benefit determinations concerning veterans, their dependents, and their survivors. This document amends the Board's Rules of Practice, which are set forth at 38 CFR Part 20.

When a case is appealed to the Board the evidence of record is transferred to the Board for review. After the record has been transferred to the Board, additional evidence may be received and accepted by the Board under § 20.1304 of the Board's Rules of Practice and § 19.37(b) of the Board's Appeals Regulations (38 CFR Part 19).

With respect to such "additional evidence," 38 CFR 20.1304(c), immediately prior to the effective date of this document, stated:

(c) *Consideration of additional evidence by agency of original jurisdiction.* Any pertinent evidence submitted by the appellant or representative which is accepted by the Board under the provisions of this section, as well as any such evidence referred to the Board by the originating agency under § 19.37(b) of this chapter, must be referred to the agency of original jurisdiction for review and preparation of a Supplemental Statement of the Case unless this procedural right is waived by the appellant or unless the Board determines that the benefit, or benefits, to which the evidence relates may be allowed on appeal without such referral. Such waiver must be in writing or, if a hearing on appeal is conducted, formally entered on the record orally at the time of the hearing.

This document amends § 20.1304(c) to specify that the appellant "or representative," and not solely the appellant, may waive the right to have the additional evidence referred to the "agency of original jurisdiction for

review and preparation of a Supplemental Statement of the Case."

This amendment is necessary because there has been confusion as to whether such a waiver may only be made by an appellant. This amendment is intended to provide clarification and to be consistent with general principles permitting use of representatives by VA claimants. Also, this amendment will help expedite the handling of appeals.

This final rule concerns agency procedure or practice and, consequently, 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 requirements of sections 603 and 604.

List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Lawyers, Legal services, Veterans.

Approved: May 2, 1995.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR Part 20 is amended as set forth below:

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

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

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

§ 20.1304 [Amended]

2. In § 20.1304, the first sentence in paragraph (c) is amended by adding "or representative" immediately after "unless this procedural right is waived by the appellant".

[FR Doc. 95-11888 Filed 5-12-95; 8:45 am]

BILLING CODE 8320-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-224; RM-8291, 8325, 8358, 8360]

Radio Broadcasting Services; Bismark, Centerville, Farmington, Ironton, MO, and Herrin, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 258C3 to Bismarck, Missouri, as that community's first local service, in response to a counterproposal filed by KREI, Inc. See 58 FR 42522, August 10, 1993. The coordinates for Channel 258C3 are 37-38-43 and 90-32-54. There is a site restriction 15.3 kilometers (9.5 miles) southeast of the community. The counterproposal filed by Wayne E. Tate for Ironton, Missouri, and Herrin, Illinois, has been dismissed (RM-8325). The counterproposal filed by Wayne E. Tate and David E. Smith Communications, Inc. for Ironton, Missouri, Herrin, Illinois and Centerville, Missouri, has been dismissed (RM-8360). The petition filed by KREI, Inc. for Farmington, Missouri, has been dismissed (RM-8291). With this action, this proceeding is terminated.

DATES: Effective June 23, 1995. The window period for filing applications for Channel 258C3 at Bismarck, Missouri, will open on June 23, 1995, and close on July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, MM Docket No. 93-224, adopted May 1, 1995, released May 9, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, D.C. 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Bismarck, Channel 258C3.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-11818 Filed 5-12-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 92-202; RM-8051]

Radio Broadcasting Services; Newberry Springs, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 279A to Newberry Springs, California, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of Hills Broadcasting. See 57 F 41719, September 11, 1992. Coordinates used for Channel 279A at Newberry Springs are 34-49-42 and 116-41-12. As Newberry Springs is located within 320 kilometers (199 miles) of the United States-Mexico border, concurrence of the Mexican government in this proposal was obtained. With this action, the proceeding is terminated.

DATES: Effective June 23, 1995. The window period for filing applications for Channel 279A at Newberry Springs, California, will open on June 23, 1995, and close on July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 279A at Newberry Springs should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 92-202, adopted May 1, 1995, and released May 9, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased

from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW, Room 246, or 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended, as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Newberry Springs, Channel 279A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-11819 Filed 5-12-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 93-274; RM-8372]

Radio Broadcasting Services; Ely, NV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Keith E. Lamonica, allots Channel 243A to Ely, NV, as the community's third local FM service. See 58 FR 63319, December 1, 1993.

Channel 243A can be allotted to Ely in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates North Latitude 39-14-51 and West Longitude 114-53-16. With this action, this proceeding is terminated.

DATES: Effective June 23, 1995. The window period for filing applications will open on June 23, 1995, and close on July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 93-274, adopted May 1, 1995, and released May 9, 1995. The full text of this Commission decision is available for

inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by adding Ely, Channel 243A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-11820 Filed 5-12-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 94-135; RM-8541]

Radio Broadcasting Services; Atkins, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 257A to Atkins, Arkansas, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of Atkins Broadcasting. See 59 FR 60947, November 29, 1994. Coordinates used for Channel 257A at Atkins are North Latitude 35-14-49 and West Longitude 92-52-53. With this action, the proceeding is terminated.

DATES: Effective June 23, 1995. The window period for filing applications on Channel 257A at Atkins, Arkansas, will open on June 23, 1995, and close on July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 257A at Atkins, Arkansas, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.