

summary of the evidence considered in the case relating to the issue or issues covered in the NOD, a summary of the applicable laws and regulations with appropriate citations, and a discussion of how the laws and regulations affected the determination of the appellant's claim. Generally, a Supplemental Statement of the Case (SSOC) is furnished to the appellant when additional pertinent evidence is received after the SOC, when there was a material defect in the SOC, or when, for any other reason, the SOC is inadequate. (These bases apply to SSOCs as well as SOC's.)

Recently, we amended 38 CFR 19.31, part of VA's Appeals Regulations relating to the SSOC. 67 FR 3099, 3104 (January 23, 2002). As amended, that rule provides that a SSOC will not be used to announce the AOJ's decision on an issue not previously addressed in a SOC or to respond to a notice of disagreement on a newly appealed issue that was not addressed in the SOC. The purpose of that change was to help eliminate confusion on the part of appellants as to whether they must respond to a SSOC.

We are amending Rule 302(c) (38 CFR 20.302(c)) and Rule 501(c) (38 CFR 20.501(c)) of the Board's Rules of Practice for the purpose of creating uniformity of practice and procedure and to ensure that there is no misunderstanding as to whether an appellant needs to respond to a SSOC. Currently, Rules 302(c) and 501(c) provide, in pertinent part, that an appellant need not respond to a SSOC to perfect an appeal unless the SSOC covers issues that were not included in the original SOC. Those Rules further provide that, if a SSOC covers issues that were not included in the original SOC, an appellant must file a Substantive Appeal with respect to those issues within 60 days in order to perfect an appeal with respect to the additional issues. The changes made to 38 CFR 19.31 render the foregoing requirements superfluous and create the risk of causing confusion to the appellant and VA adjudicators.

Accordingly, we are amending Rule 302(c) and Rule 501(c) to eliminate the language relating to responding to "new issues" in Supplemental Statements of the Case.

Administrative Procedure Act

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

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This final rule will have no such effect on State, local, or tribal governments, or the private sector.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Executive Order 12866

The Office of Management and Budget has reviewed this document under Executive Order 12866.

Regulatory Flexibility Act

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 20

Administrative practice and procedure, Authority delegations (Government agencies), Claims, Lawyers, Legal services, Veterans.

Approved: September 10, 2003.

Anthony J. Principi,

Secretary of Veterans Affairs.

■ For the reasons set out in the preamble, 38 CFR part 20 is amended as follows:

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) and as noted in specific sections.

■ 2. In § 20.302, paragraph (c) is amended by removing "appeal, unless the Supplemental Statement of the Case covers issues that were not included in the original Statement of the Case." from the third sentence and adding, in its place, "appeal."; and by removing the fourth sentence.

■ 3. In § 20.501, paragraph (c), is amended by removing "appeal, unless the Supplemental Statement of the Case covers issues that were not included in

the original Statement of the Case." from the third sentence and adding, in its place, "appeal."; and by removing the fourth sentence.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7586–6]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final deletion of the Follansbee Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region III, is publishing a direct final notice of deletion of the Follansbee, Superfund Site (Site), located north of the city of Follansbee, West Virginia, from the National Priorities List (NPL).

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final notice of deletion is being published by EPA with the concurrence of the State of West Virginia, through the West Virginia Department of Environmental Protection, because EPA has determined that all appropriate response actions under CERCLA have been completed and, therefore, further remedial action pursuant to CERCLA is not appropriate.

DATES: This direct final deletion will be effective January 16, 2004 unless EPA receives adverse comments by December 17, 2003. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Comments may be mailed to: Anthony C. Iacobone, Remedial Project Manager (RPM) 3HS23, iacobone.anthony@epa.gov, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, (215) 814–5237 or 1–800–352–1973.

Information Repositories: Comprehensive information about the Site is available for viewing and copying