

Section	Remove	Add
301.6114-1(b)(4)(ii)(C), introductory text	December 31, 1999	December 31, 2000.
301.6114-1(b)(4)(ii)(D)	December 31, 1999	December 31, 2000.
301.6724-1(g)(2) Q-11	January 1, 2000	January 1, 2001.
301.6724-1(g)(2) Q-11	April 1, 1998	April 1, 1999.
301.6724-1(g)(2) A-11	January 1, 2000	January 1, 2001.
301.6724-1(g)(2) A-11	April 1, 1998	April 1, 1999.
301.6724-1(g)(3), first sentence	December 31, 1999	December 31, 2000.
301.6724-1(g)(3), last sentence	January 1, 2000	January 1, 2001.
301.6724-1(g)(3), last sentence	April 1, 1998	April 1, 1999.

Robert E. Wenzel,
Deputy Commissioner of Internal Revenue.
 Approved: December 21, 1999.
Jonathan Talisman,
Acting Assistant Secretary of the Treasury
(Tax Policy).
 [FR Doc. 99-33515 Filed 12-29-99; 8:45 am]
 BILLING CODE 4830-01-P

PANAMA CANAL COMMISSION
35 CFR Chapter I, Subchapters B and C
Repeal of the Panama Canal Commission's General Regulations and Shipping and Navigation Regulations
AGENCY: Panama Canal Commission.
ACTION: Final rule.

SUMMARY: This action repeals the Commission's public regulations in the Code of Federal Regulations (CFR), Subchapters B (General Regulations) and C (Shipping and Navigation) and discontinues the U.S. Government's responsibility for health, sanitation, postal money orders, and shipping and navigation in the Panama Canal. This action does not terminate the Commission's liability for marine vessel claims which arise prior to Noon, December 31, 1999.
DATES: Effective 12:00 Noon, December 31, 1999.
FOR FURTHER INFORMATION CONTACT: Jay Sieleman, Assistant General Counsel, Panama Canal Commission, Office of Transition Administration c/o U.S. Embassy, Panama APO AA 34002. The telephone number is 272-6625. The facsimile number is 272-6621.
SUPPLEMENTARY INFORMATION: In compliance with the Panama Canal Treaty of 1977 and Public Law 96-70, as amended, (22 U.S.C. 3601 *et seq.*) the United States Government will turn over the operation, maintenance, and management of the Panama Canal to the Government of Panama at Noon, December 31, 1999. The regulations published in 35 CFR subchapters B and C are directly related to the operation,

maintenance and management of the Panama Canal or to functions performed by the Panama Canal Government prior to the Panama Canal Treaty of 1977. With the termination of the Commission's responsibility for these functions, the Commission is revoking the applicable regulations to avoid confusion on the part of customers seeking guidance on the use of the Panama Canal or its related areas.
 Persons and organizations interested in obtaining information regarding the operation, maintenance and management of the Panama Canal after 12:00 Noon, December 31, 1999, should contact the Government of Panama agency established for these purposes. This agency is the Panama Canal Authority, Balboa, Ancon, Republic of Panama. The mailing address is: Panama Canal Authority, Office of General Counsel Marine Accident Claims, PCA GC-GCCL, P. O. Box 025413, Miami FL 33102-5413.
 Persons or organizations with claims against the Panama Canal Commission for marine vessel accidents which arise prior to Noon, 31 December 1999, should contact David L. Terzian, Torts Branch, Civil Division, U.S. Department of Justice, 1425 New York Avenue, NW, Room 3046, Washington, DC 2005. The telephone number is (202) 616-4137.
 This rule involves agency management functions and, therefore, is not subject to the procedures required by 5 U.S.C 553 and 801. It is also exempt from review under Executive Order 12866 but has been reviewed internally by the Commission to ensure consistency with the purposes thereof. This amendment has been found to be a minor rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104-121. It does not require analysis under the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.
Authority: 22 U.S.C. 3602.
 Accordingly, for the reasons set forth above, at noon, December 31, 1999, in accordance with the Panama Canal Treaty of 1977, 35 CFR chapter I is amended by removing subchapters B

(parts 60 through 70) and C (parts 101 through 135).
 Dated: December 23, 1999.
William J. Connolly,
Secretary, Panama Canal Commission.
 [FR Doc. 99-33908 Filed 12-29-99; 8:45 am]
 BILLING CODE 3640-01-P

DEPARTMENT OF VETERANS AFFAIRS
38 CFR Part 20
RIN 2900-AJ98
Board of Veterans' Appeals: Rules of Practice—Revision of Decisions on Grounds of Clear and Unmistakable Error; Clarification
AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends the Rules of Practice of the Board of Veterans' Appeals governing the revision of Board decisions on the grounds of clear and unmistakable error. By this amendment, we clarify that, in the case of a Board decision on more than one issue, the Board's decision on issues appealed to and decided by a court of competent jurisdiction is not subject to subsequent revision on the grounds of clear and unmistakable error, but the Board's decision on issues not appealed to or decided by a court of competent jurisdiction is subject to such revision.
DATES: *Effective Date:* February 12, 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: On May 19, 1998, we published a notice of proposed rulemaking in the **Federal Register** (63 FR 27534). We proposed to implement section 1(b) of Pub. L. 105-111 (Nov. 21, 1997), which permits challenges to Board of Veterans' Appeals (Board) decisions on the

grounds of clear and unmistakable error (CUE). In particular, because "it would be inappropriate for an inferior tribunal to review the actions of a superior," we proposed to codify at 38 CFR 20.1400(b) a provision stating: "A Board decision on an issue decided by a court of competent jurisdiction on appeal is not subject to revision on the grounds of [CUE]." 63 FR at 27536, 27539.

On January 13, 1999, we published the final rule, which became effective February 12, 1999 (64 FR 2134). Based on comments that § 20.1400(b) was unclear, we revised that provision with the intent that "our rule preclude[] a CUE challenge to a Board decision on an issue that has been subsequently decided by a court of competent jurisdiction, whether on direct appeal of that Board decision or on appeal of a subsequent Board decision on the same issue." 64 FR at 2136. However, the language of § 20.1400(b) stated: "All final Board decisions are subject to revision under this subpart except: (1) Those decisions which have been appealed to and decided by a court of competent jurisdiction; and (2) Decisions on issues which have subsequently been decided by a court of competent jurisdiction." *Id.* at 2139.

By inadvertently omitting the words "on issues" from § 20.1400(b)(1), we created an ambiguity in the case of a Board decision on more than one issue where fewer than all of the issues were appealed to and decided by a court. It was not clear whether § 20.1400(b)(1) insulated every issue in such a Board decision from CUE revision or whether it insulated only the issues appealed to and decided by the court. We intended, both in the proposed rule and in the final rule, that § 20.1400(b)(1) would insulate only the decision *on issues* appealed to and decided by a court. By reinserting the words "on issues" in § 20.1400(b)(1), we remove the ambiguity and clarify that, in the case of a Board decision on multiple issues, § 20.1400(b)(1) insulates from subsequent CUE revision only the Board's decision on issues appealed to and decided by a court, but not its decision on issues not appealed to the court. We are also removing the word "Those" to make paragraphs (1) and (2) of § 20.1400(b) parallel.

This document merely clarifies regulatory provisions. Therefore, in accordance with 5 U.S.C. 553, this final rule is exempt from prior notice-and-comment and delayed-effective-date provisions.

The Secretary hereby certifies that this final rule does 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 affects only individuals. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Veterans.

Approved: November 18, 1999.

Togo D. West, Jr.,

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

Subpart O—Revision of Decisions on Grounds of Clear and Unmistakable Error

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

Authority: 38 U.S.C. 501(a) and as noted in specific sections.

§ 20.1400 [Amended]

2. Section 20.1400(b)(1) is amended by removing "Those decisions" and adding, in its place, "Decisions on issues".

[FR Doc. 99–33995 Filed 12–29–99; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL–6478–1]

RIN 2040–AC76

Guidelines Establishing Test Procedures for the Analysis of Pollutants; Available Cyanide in Water

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule amends the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under section 304(h) of the Clean Water Act by adding Method OIA–1677: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry (hereafter Method OIA–1677). Method OIA–1677 employs flow injection analysis (FIA) to measure "available cyanide." Method OIA–1677 is an additional test procedure for measuring the same cyanide species as are measured by currently approved

methods for cyanide amenable to chlorination (CATC). In some matrices, CATC methods are subject to test interferences. EPA is approving Method OIA–1677 because it is more specific for available cyanide, is more rapid, measures cyanide at lower concentrations, offers improved safety, reduces laboratory waste, and is more precise and accurate than currently approved CATC methods.

EFFECTIVE DATE: This regulation is effective on January 31, 2000. For judicial review purposes, this final rule is promulgated as of 1 p.m. Eastern Standard Time on January 13, 2000 in accordance with 40 CFR 23.2.

The incorporation by reference of Method OIA–1677 listed in the rule is approved by the Director of the Federal Register January 31, 2000.

ADDRESSES: Copies of the public comments received, EPA responses, and all other supporting documents (including references included in this document) are available for review at the U.S. Environmental Protection Agency, Water Docket, 401 M Street SW., Washington, DC 20460. For access to docket materials, call 202–260–3027 on Monday through Friday, excluding Federal holidays, between 9:00 a.m. and 3:30 p.m. Eastern Time for an appointment.

Copies of Method OIA–1677 are available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605–6000 or (800) 553–6847; or from ALPKEM, Box 9010, College Station, TX 77842–9010. The NTIS publication number is PB99–132011.

An electronic version of Method OIA–1677 is also available via the Internet at <http://www.epa.gov/OST/Methods>.

FOR FURTHER INFORMATION CONTACT: For information regarding Method OIA–1677, contact Maria Gomez-Taylor, Ph.D., Engineering and Analysis Division (4303), USEPA Office of Science and Technology, 401 M Street, SW., Washington, DC 20460, or call (202) 260–1639.

SUPPLEMENTARY INFORMATION:

Potentially Regulated Entities

EPA Regions, as well as States, Territories and Tribes authorized to implement the National Pollutant Discharge Elimination System (NPDES) program, issue permits that comply with the technology-based and water quality-based requirements of the Clean Water Act. In doing so, the NPDES permitting authority, including authorized States, Territories, and Tribes, make a number of discretionary choices associated with permit writing, including the selection