

under 5 U.S.C. 5584, because it is not needed for such waivers.

This document also makes other nonsubstantive amendments to VA regulations in §§ 1.955 through 1.970.

VA is issuing this document as a final rule because the changes made in this document constitute rules of agency organization, practice, or procedure.

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 final rule directly affects only VA employees or former employees, or their estates or dependents, and does not affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

This regulatory action has been reviewed by the Office of Management and Budget under Executive Order 12866.

There is no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 1

Claims, Administrative practice and procedure, Veterans.

Approved: August 18, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 1 is amended as follows:

PART 1—GENERAL PROVISIONS

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

Authority: 38 U.S.C. 501, except as otherwise noted.

2. The authority citation preceding § 1.955 is revised to read as follows:

Authority: Sections 1.955 to 1.970 issued under 5 U.S.C. 5584; 31 U.S.C. 3711; 38 U.S.C. 501, 3685, 3720, 5302; 4 CFR Parts 91 and 92.

3. In § 1.955, the following sentence is added at the end of paragraph (a)(1):

§ 1.955 Regional office committees on waivers and compromises.

(a) * * *

(1) * * * Delegations of authority and limitations for waiver actions under 5 U.S.C. 5584 are set forth in § 1.963a of this part.

* * * * *

4. In § 1.956, paragraph (a)(3) is revised to read as follows:

§ 1.956 Jurisdiction.

(a) * * *

(3) Claims for erroneous payments of pay and allowances, and erroneous payments of travel, transportation, and relocation expenses and allowances, made to or on behalf of employees (5 U.S.C. 5584, 4 CFR Parts 91 and 92).

* * * * *

§ 1.957 [Amended]

5. In § 1.957, paragraph (a)(1)(iv) is removed.

6. Section 1.963a is revised to read as follows:

§ 1.963a Waiver; erroneous payments of pay and allowances.

The provisions applicable to VA (including those for appeals and refunds) concerning waiver actions relating to erroneous payments to VA employees of pay and allowances and travel, transportation, and relocation expenses and allowances under 5 U.S.C. 5584 are set forth at 4 CFR Parts 91 and 92. The members of Committees on Waivers and Compromises assigned to waiver actions under § 1.955 of this part are hereby delegated all authority granted the Secretary under 5 U.S.C. 5584 and 4 CFR Parts 91 and 92 to grant waiver in whole or in part of a claim aggregating not more than \$1,500, to recommend approval of waiver in whole or in part of a claim aggregating more than \$1,500, and to deny waiver of a claim for any amount. The following are the only provisions of §§ 1.955 through 1.970 of this part applicable to waiver actions concerning erroneous payments of pay and allowances and travel, transportation, and relocation expenses and allowances under 5 U.S.C. 5584: §§ 1.955(a) through (e)(2), 1.956(a) (introductory text) and (a)(3), 1.959, 1.960, 1.963a, and 1.967(c).

(Authority: 5 U.S.C. 5584, 38 U.S.C. 501; 4 CFR Parts 91 and 92)

7. Section 1.967(c) is revised to read as follows:

§ 1.967 Refunds.

* * * * *

(c) The regulatory provisions concerning refunds of indebtedness collected by the Department of Veterans Affairs arising from erroneous payments of pay and allowances and travel, transportation, and relocation expenses and allowances are set forth in 4 CFR Parts 91 and 92.

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[FR Doc. 95-25373 Filed 10-12-95; 8:45 am]

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38 CFR Part 3

RIN 2900-AG99

Claims Based on Exposure to Ionizing Radiation (Lymphomas Other Than Hodgkin's Disease and Cancer of the Rectum)

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs adjudication regulations concerning diseases claimed to be the result of exposure to ionizing radiation. This amendment is necessary to implement a decision by the Secretary of Veterans Affairs that lymphomas other than Hodgkin's disease and cancer of the rectum are "radiogenic." The intended effect of this amendment is to add these conditions to the list of radiogenic diseases for service-connected compensation purposes.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Lorna Weston, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 273-7210.

SUPPLEMENTARY INFORMATION: On November 25, 1994, VA published a proposal in the Federal Register to amend 38 CFR 3.311 (b)(2) to add lymphomas other than Hodgkin's disease and rectal cancer to the list of diseases VA will recognize as radiogenic for purposes of service connection based on exposure to ionizing radiation.

By adding lymphomas other than Hodgkin's disease and cancer of the rectum to the list of radiogenic diseases in paragraph (b)(2), this amendment relieves claimants suffering from those conditions from having to establish that they may be induced by ionizing radiation.

We requested that written comments to the proposed rule be submitted on or before January 24, 1995. We received one comment from the Raleigh Research Director for the Clean Water Fund of North Carolina.

The comment expressed support for the amendment to enlarge the list of radiogenic diseases and suggested that since radiation exposure may lead to development of diseases other than those VA recognizes as radiogenic, claims for any cancer as a result of radiation exposure should be regarded as highly credible.

The issue of the exclusivity of the list of diseases at 38 CFR 3.311(b)(2) has been addressed in a separate amendment to § 3.311(b) which was published in the Federal Register on

February 21, 1995. (See 60 FR 9627-28) That amendment provides that if a claimant files a claim based on a disease other than one of those listed in 38 CFR 3.311 (b)(2) or (b)(3), but cites or submits competent scientific or medical evidence that the claimed condition is a radiogenic disease, the claim will be considered under the provisions of § 3.311.

VA appreciates the comment submitted in response to the proposed rule which is now adopted without change.

The Secretary 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 directly affect VA beneficiaries but 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 analysis requirements of sections 603 and 604.

This final rule has been reviewed by the Office of Management and Budget under E.O. 12866.

The Catalog of Federal Domestic Assistance program numbers are 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: May 17, 1995.
Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

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

2. In § 3.311(b)(2)(xix), the word “and” is removed; in § 3.311(b)(2)(xx), the period is removed and, in its place, a “semicolon” is added.

3. In § 3.311, paragraphs (b)(2)(xxi) and (xxii) are added to read as follows:

§ 3.311 Claims based on exposure to ionizing radiation.

* * * * *

(b) * * *

(2) * * *

(xxi) Cancer of the rectum; and

(xxii) Lymphomas other than Hodgkin’s disease.

* * * * *

[FR Doc. 95-25374 Filed 10-12-95; 8:45 am]

BILLING CODE 8320-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 95-390]

Attorney Misconduct

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules to incorporate into its regulations the procedures concerning attorney misconduct. The reason is to codify formally the procedures announced in *Opal Chadwell*. The intended effect is to ensure that attorneys who practice before the Commission are familiar with our rules on attorney misconduct.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Laurence Schecker, Office of General Counsel, (202) 418-1720.

SUPPLEMENTARY INFORMATION: A summary of the Order adopted September 11, 1995 and released September 18, 1995, is set forth below. The full text of this document is available for inspection and copying during normal business hours in the Administrative Law Division, Office of General Counsel (Room 616), 1919 M Street, NW., Washington, DC. The full text may also be purchased from the Commission’s copy contractor, International Transcription Services, Inc. (ITS), 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Order

This order amends Section 1.24 of the Commission’s rules to follow the procedures set out in *Opal Chadwell* concerning attorney misconduct. In that decision the Commission stressed that it “considers misconduct by attorneys who practice before it as a matter of serious concern.” Whenever the allegation of attorney misconduct is raised in the course of a Commission proceeding, the matter is to be referred under seal to the Office of General Counsel (OGC). The OGC will determine if the allegations are substantial, and, if so, will direct the affected attorney to respond. OGC will then determine whether further measures are necessary, including (a) recommending institution

of a Section 1.24 proceeding, (b) reference to the appropriate State bar, (c) consultation with the Department of Justice.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Change

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Section 1.24 is amended by adding a new paragraph (d) to read as follows:

§ 1.24 Censure, suspension, or disbarment of attorneys.

* * * * *

(d) Allegations of attorney misconduct in Commission proceedings shall be referred under seal to the Office of General Counsel. Pending action by the General Counsel, the decision maker may proceed with the merits of the matter but in its decision may make findings concerning the attorney’s conduct only if necessary to resolve questions concerning an applicant and may not reach any conclusions regarding the ethical ramifications of the attorney’s conduct. The General Counsel will determine if the allegations are substantial, and, if so, shall immediately notify the attorney and direct him or her to respond to the allegations. No notice will be provided to other parties to the proceeding. The General Counsel will then determine what further measures are necessary to protect the integrity of the Commission’s administrative process, including but not limited to one or more of the following:

(1) Recommending to the Commission the institution of a proceeding under paragraph (a) of this section;

(2) Referring the matter to the appropriate State, territorial, or District of Columbia bar; or

(3) Consulting with the Department of Justice.

[FR Doc. 95-25436 Filed 10-12-95; 8:45 am]

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