

and procedures of the Department of Transportation. (DOT) (44 FR 11040; February 26, 1979). The minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT (44 FR 11040; February 26, 1979) is unnecessary. We conclude this because the rule exempts tugs with tows.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since the rule exempts tugs with tows, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act. (44 U.S.C. 3501 et seq.)

Federalism

The Coast Guard has analyzed the rule under principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32) of Commandant Instruction M16475.1B., promulgation of operating requirements for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued

under the authority of Pub.L. 102-587, 106 Stat. 5039.

2. Section 117.261 is amended by redesignating paragraphs (e) and (f) as paragraphs (f) and (g) and adding a new paragraph (e) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Mary's River to Key Largo.

* * * * *

(e) Flagler Beach bridge, (SR 100), mile 810.6 at Flagler Beach. The draw shall open on signal; except that, from April 1 to May 31, and October 1 to November 30, from 7 a.m. to 6 p.m. daily, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

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Dated: September 8, 1995.

Roger T. Rufe, Jr.,

*Rear Admiral, U.S. Coast Guard Commander,
Seventh Coast Guard District.*

[FR Doc. 95-25458 Filed 10-12-95; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-AG94

Waiver of Erroneous Payments of Pay and Allowances

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations concerning consideration of waiver of claims arising from erroneous payments to employees of pay and allowances, and travel, transportation, and relocation expenses and allowances. The VA's standards for such waivers under 5 U.S.C. 5584 are deleted as unnecessary because such waivers must be made in accordance with standards prescribed by the Comptroller General. This document also provides that members of VA regional office Committees on Waivers and Compromises are 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. In addition, this document deletes an unnecessary delegation of authority and makes nonsubstantive changes.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Peter Mulhern, Debt Management Policy

Division (047G7), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420, (202) 273-5570.

SUPPLEMENTARY INFORMATION: This document amends VA regulations in 38 CFR part 1 concerning waiver under 5 U.S.C. 5584 of claims of the United States arising out of erroneous payments of pay and allowances, and erroneous payments of travel, transportation, and relocation expenses and allowances, made to or on behalf of VA employees. Such claims may be waived in whole or in part when collection would be against equity and good conscience and not in the best interests of the United States.

5 U.S.C. 5584 provides that waivers thereunder may be made only "in accordance with standards * * * prescribed by the Comptroller General." Prior to the effective date of this document, VA regulations in 38 CFR 1.955-1.970 set forth VA's own standards for such waivers. Because such waivers must be made in accordance with Comptroller General standards, the VA standards covering the same subject matter are unnecessary and are deleted by this document. The Comptroller General standards are prescribed in regulations of the General Accounting Office (GAO) in 4 CFR Parts 91 and 92.

Previously, the amount of aggregate debt that an agency could waive in whole or in part was limited to \$500, but an amendment to 5 U.S.C. 5584 increased the amount of aggregate debt that may be waived to \$1500. Under 5 U.S.C. 5584 and 4 CFR Parts 91 and 92, waiver actions are permitted to be made by the agency head or his or her designees. Prior to the effective date of this document, VA regulations delegated waiver action authority under 5 U.S.C. 5584 to members of regional office Committees on Waivers and Compromises who were assigned under criteria set forth in 38 CFR 1.955 (e)(1) and (e)(2). This document delegates authority to assigned members to grant waiver in whole or in part of debts aggregating to the full \$1500 amount. Consistent with the GAO regulations, the members are also delegated authority to recommend to GAO waiver in whole or in part of debts aggregating in excess of \$1500 and to deny waiver of debts of any amount.

Prior to this document, VA regulations also authorized the Chief Benefits Director to make waiver determinations and to establish an ad hoc board to do so. This document removes this delegation of authority with respect to waiver determinations

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]

BILLING CODE 8320-01-P

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