

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.

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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]

BILLING CODE 6712-01-M

47 CFR Part 73**[MM Docket No. 95-58; RM-8627]****Radio Broadcasting Services; LaMesa and Tahoka, TX****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: The Commission, at the request of 100.3 Radio, Inc., licensee of Station KIOL(FM), Channel 262C1, LaMesa, Texas, and West Texas Broadcasting Company, Inc., licensee of Station KMMX(FM), Channel 284C1, LaMesa, Texas, reallocates Channel 262C1 from LaMesa to Tahoka, Texas, and modifies Station KIOL(FM)'s license to specify Tahoka as its community of license. See 60 FR 22541, May 8, 1995. Channel 262C1 can be allotted in compliance with the Commission's minimum distance separation requirements with a site restriction of 25.2 kilometers (15.6 miles) north. The coordinates for Channel 262C1 at Tahoka are 33-23-00 and 101-43-00. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 24, 1995.**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-58, adopted September 29, 1995, and released October 10, 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, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 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 Texas, is amended by adding Channel 262C1 at Tahoka and removing 262C1 at LaMesa.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-25435 Filed 10-12-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF THE INTERIOR**Office of the Secretary****48 CFR Parts 1415, 1426, 1428 and 1452****RIN 1090-AA52****Department of the Interior Acquisition Regulation; Internal Procedures****AGENCY:** Office of the Secretary, Interior.**ACTION:** Final rule.

SUMMARY: In the interests of streamlining processes and improving relationships with contractors, this final rule amends the Department of the Interior Acquisition Regulation by removing nonessential portions of those regulations. Internal procedures regarding disclosure and use of information before award, unsolicited proposals, handling of preaward mistakes, proposal evaluation, price negotiation, and profit analysis are being removed. Guidance on Indian Preference contracting, formerly located in Part 1404, is being reinstated as Part 1426. Aircraft insurance clauses have been revised.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Dee Emmerich, Office of Acquisition and Property Management, (202) 208-3348.

SUPPLEMENTARY INFORMATION: Under the auspices of the National Performance Review, a thorough review of the Department of the Interior Acquisition Regulation (DIAR) was conducted. The review revealed unnecessary and outdated regulations, and some excessively burdensome procedures.

In the interests of streamlining processes and improving relationships with contractors, nonessential portions of the DIAR are being removed from the CFR. The eight sections being removed from part 1415 deal with exclusively internal procedures so codification is not necessary. Section 1415.106 is retained without change.

When the DIAR was issued in 1984 as a supplement to the Federal Acquisition Regulation (FAR), FAR Part 26, Other Socioeconomic Programs, did not exist. There being no alternative at the time, Interior-unique guidance on contracting under Indian preference procedures was

issued as a supplement to FAR Part 4, Administrative Matters. Therefore, the guidance formerly located at 1404.70 has been removed, is being replaced in new subpart 1426.70 with only editorial changes to cross-references and so forth. The clauses formerly located at 1452.204 are relocated to 1452.226.

The removal of sections 1428.101 and 1428.104, regarding central maintenance of bid bond information, will simplify DOI's internal management and eliminate unnecessary paperwork. Editorial revisions have been made to 1428.306 and 1428.311. 1452.228-70(b) was revised to relieve contractors of the requirement to use registered mail and to specify that a certificate of insurance constitutes adequate proof of insurance.

The title of 1452.228-73 was edited. There were no changes to 1452.228-7, 1452.228-71, or 1452.227-72.

Required Determinations

The Department believes that public comment is unnecessary because the material being removed is outdated or deals exclusively with internal procedures. Therefore, in accordance with 5 U.S.C. 553(b)(B), the Department finds good cause to publish this document as a final rule. This rule was not subject to Office of Management and Budget review under Executive Order 12866. This rule does not contain a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Department has determined that this rule will not have a significant economic impact on a substantial number of small entities because no requirements are being added for small businesses and no protections are being withdrawn. The Department has determined that this rule does not constitute a major Federal action having a significant impact on the human environment under the National Environmental Policy Act of 1969. The Department has certified that this rule meets the applicable standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

List of Subjects in 48 CFR Parts 1415, 1426, 1428 and 1452

Government procurement, Reporting and recordkeeping requirements.

Dated: August 8, 1995.

Robert J. Lamb,

Acting Assistant Secretary, Policy Management and Budget.

Chapter 14 of Title 48 of the Code of Federal Regulations is amended as follows: