

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.

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(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.

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