

Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7213.

SUPPLEMENTARY INFORMATION: The Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Pub. L. 98-542, required VA to develop regulations establishing standards and criteria for adjudicating veterans' claims for service-connected compensation for diseases claimed to be the result of exposure to ionizing radiation. In response to that requirement, VA has defined the term "radiogenic disease" to mean a disease that may be induced by ionizing radiation and established a list of diseases that satisfy that definition at 38 CFR 3.311(b)(2). That list is not an exclusive list, however, and since 1985 VA has added a number of conditions to it.

When the Secretary determines that a significant statistical association exists between exposure to ionizing radiation and any disease under the standards established at 38 CFR 1.17, VA adds that disease to the list of radiogenic diseases found at 38 CFR 3.311(b)(2). Before making such a determination, the Secretary receives the advice of the Veterans Advisory Committee on Environmental Hazards (VACEH) based on its evaluation of scientific and medical studies.

On April 25-26, 1995, the VACEH held a public meeting in Washington, DC, and reviewed 53 medical and scientific studies having to do with radiation exposure and subsequent development of disease. Based upon its assessment of those studies and the scientific literature that it had previously reviewed and deemed to be valid, the VACEH concluded that it would be appropriate to consider prostate cancer as being associated with radiation exposure for purposes of VA's compensation system. Based on that recommendation, the Secretary has preliminarily determined that an association exists between radiation exposure and prostate cancer.

In response to a request from the Under Secretary for Benefits, the VACEH addressed the question of the radiogenicity of cancer generally. The VACEH concluded that, on the basis of current scientific knowledge, exposure to ionizing radiation can be a contributing factor in the development of any malignancy. The degree to which radiation exposure is a factor varies depending on the type of malignancy, the amount, rate and type of radiation exposure, and other relevant risk factors

such as age at the time of exposure. After reviewing this recommendation, the Secretary has preliminarily determined that an association exists between radiation exposure and any other cancer not listed at 38 CFR 3.311(b)(2).

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of section 603 and 604.

(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, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: June 4, 1996.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is proposed to be amended as follows:

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, paragraph (b)(2)(xxi) is amended by removing "and"; and paragraph (b)(2)(xxii) is amended by removing "." and adding, in its place, ";;"; and new paragraphs (b)(2)(xxiii) and (b)(2)(xxiv) are added to read as follows:

§ 3.311 Claims based on exposure to ionizing radiation.

* * * * *

(b) * * *

(2) * * *

(xxiii) Prostate cancer; and

(xxiv) Any other cancer.

* * * * *

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FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 94-06]

Financial Responsibility Requirements for Nonperformance of Transportation

AGENCY: Federal Maritime Commission.

ACTION: Further Notice of Proposed Rulemaking; Extension of time to Comment.

SUMMARY: The proposed rule in this proceeding (61 FR 33059, June 26, 1996) would, *inter alia*, remove the current \$15 million coverage ceiling for nonperformance of transportation by passenger vessel operators, and replace the ceiling with sliding-scale coverage requirements keyed to passenger vessel operators' financial rating length of operation in United States trades and satisfactory explanation of claims for nonperformance of transportation. Sixty days originally was provided for comment and a 30-day extension subsequently was granted. The Maritime Administration now requests an additional 30 days for comment. Upon consideration of this request a further extension is granted but, in view of the total amount of time already provided for comment, the extension is limited to 20 days.

DATES: Comments due on or before October 15, 1996.

ADDRESSES: Send comments (original and fifteen copies) to: ¹ Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol, St., NW, Washington, DC 20573-0001, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Director, Bureau of Tariffs Certification and Licensing, Federal Maritime Commission, 800 North Capitol, St., NW, Washington, D.C. 20573-0001, (202) 523-5796.

Joseph C. Polking,
Secretary.

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¹ The Commission also requests, but does not require, that commenters submit an electronic copy of their comments in ASCII, WordPerfect or Microsoft Word format.