regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR party 71 as follows:

## PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

*Paragraph 6005: Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

* * * * *

**ASW TX E5 Carrizo Springs, Glass Ranch Airport, TX [New]**

Carrizo Springs, Glass Ranch Airport, TX
(lat. 28°27′01″ N., long. 100°09′01″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Glass Ranch Airport, excluding that airspace within Restricted Area R–6316.

* * * * *

Issued in Fort Worth, TX, on September 14, 1998.

**Albert L. Viselli,**

*Acting Manager, Air Traffic Division, Southwest Region.*

[FR Doc. 98–25558 Filed 9–23–98; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

### 30 CFR Part 75

### Mandatory Safety Standards—Underground Coal Mines

*CFR Correction*

In Title 30 of the Code of Federal Regulations, parts 1 to 199, revised as of July 1, 1998, page 579, § 75.1909, paragraph (c)(5) is corrected to read as follows:

**§ 75.1909 Nonpermissible diesel–powered equipment; design and performance requirements.**

* * * * *

(c) * * *

(5) Has a means in the equipment operator's compartment to apply the brakes manually without shutting down the engine, and a means to release and reengage the brakes without the engine operating; and

* * * * *

BILLING CODE 1505-01-D

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 3

**RIN 2900–AI00**

### Claims Based on Exposure to Ionizing Radiation (Prostate Cancer and Any Other Cancer)

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning compensation for diseases claimed to be the result of exposure to ionizing radiation. This amendment implements a decision by the Secretary of Veterans Affairs that, based on all evidence currently available to him, prostate cancer and any other cancers may be induced by ionizing radiation. The intended effect of this action is to relieve veterans, or their survivors, seeking benefits under the provisions of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act of the burden of having to submit evidence that a veteran's prostate cancer or any other cancer may have been induced by ionizing radiation.

**DATES:** Effective Date: September 24, 1998.

**FOR FURTHER INFORMATION CONTACT:** John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7230.

**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 compensation for diseases arising from exposure to ionizing radiation during service. Pub. L. 98–542 also required that the Secretary of Veterans Affairs, after receiving the advice of the Veterans Advisory Committee on Environmental Hazards (VACEH), determine which conditions should be considered service-connected on the basis of exposure to ionizing radiation and include those conditions in VA's regulations.

In September 1985, VA published 38 CFR 3.311b, since redesignated as 3.311, to implement the radiation provisions of Pub. L. 98–542. As threshold requirements for entitlement to compensation under this regulation, a veteran must have been exposed to ionizing radiation during atmospheric testing of nuclear weapons, the occupation of Hiroshima and Nagasaki, Japan, during World War II, or through other activities as claimed, and must have subsequently developed a radiogenic disease. VA defines the term ''radiogenic disease,'' for purposes of Pub. L. 98–542, to mean ''a disease that may be induced by ionizing radiation'' (38 CFR 3.311(b)(2)). Since 1985 VA has added a number of diseases to the original list of radiogenic diseases at 38 CFR 3.311(b)(2).

Once the regulation was published, VA denied claims for conditions that were not specifically listed in the regulation as radiogenic diseases. On September 1, 1994, however, the United States Court for the Federal Circuit held in *Combee* v. *Brown*, 34 F. 3d 1039 (Fed. Cir. 1994), that Pub. L. 98–542 did not authorize VA to establish an exclusive list of radiogenic conditions.

VA published a proposal to amend 38 CFR 3.311(b)(2) to add prostate cancer and ''any other cancer'' to the list of diseases VA recognizes as being radiogenic under the provisions of Pub. L. 98–542 in the **Federal Register** on September 25, 1996 (61 FR 50264–65).