

The Rule

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule 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.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING

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

AUTHORITY: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Telluride, Colorado (New)

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at:

Lat. 38°12'30"N., long. 108°11'45"W.; to lat. 38°03'45"N., long. 107°38'00"W.; to lat. 37°44'45"N., long. 107°46'00"W.; to lat. 37°53'00"N., long. 108°20'00"W.;

To the point of beginning; and that airspace extending upward from 11,000 feet above mean sea level within an area bounded by a line beginning at:

Lat. 38°22'00"N., 108°39'30"W.; to lat. 38°11'30"N., 107°56'30"W.; to lat. 37°51'00"N., 108°05'00"W.; to lat. 38°01'15"N., 108°48'00"W.; to point of beginning.

Issued in Seattle, Washington, on September 27, 1989.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division Northwest Mountain Region.

[FR Doc. 89-24550 Filed 10-18-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AB64

Claims Based on Exposure to Ionizing Radiation

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Department of Veterans Affairs (VA) is amending its adjudication regulations concerning diseases considered to be "radiogenic." These amendments are deemed appropriate based upon our evaluation of the recommendations by the Veterans' Advisory Committee on Environmental Hazards. The effect of these amendments will be improved adjudication of radiation claims. We are also withdrawing a proposed clarification concerning when service connection can be established based upon claimed exposure to ionizing radiation and herbicides containing dioxin.

EFFECTIVE DATE: These amendments are effective November 17, 1989.

FOR FURTHER INFORMATION CONTACT:

Joel Drembus, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: On pages 48551-48552 of the Federal Register of December 1, 1988, the VA published a proposal to amend §§ 3.311a and 3.311b. A correction was published on page 50547 of the Federal Register of December 16, 1988. Interested persons were invited to submit comments, suggestions, or objections by January 3, 1989. One comment was received.

The regulatory changes were proposed under RIN 2900-AB64 with the title, Claims Based on Exposure to Ionizing Radiation and Herbicides Containing Dioxin. However, for the reasons set forth below, the proposed change to § 3.311a, the regulation pertaining to claims based on exposure to herbicides containing dioxin during service in the Republic of Vietnam, is being withdrawn. Consequently, the title of these regulatory amendments has been changed to delete reference to claims based on exposure to herbicides containing dioxin.

The commenter noted that a proposed amendment to a different regulation (§ 3.309) to implement Public Law 100-321, 102 Stat. 485 (1988), published on

pages 50547-50550 of the Federal Register of December 16, 1988, would list 13 diseases for which service connection may be established by presumption in a radiation-exposed veteran. Should the amendments to §§ 3.311b and 3.309 become final, five of the thirteen diseases that could be service-connected by presumption (lymphomas (except Hodgkin's disease), and cancers of the pharynx, small intestine, bile ducts, and gall bladder) would not be considered to be "radiogenic" in § 3.311b(b)(2). It was suggested that the five diseases be added to the list of "radiogenic" diseases in § 3.311b(b)(2) as there is sound scientific and medical evidence to do so.

As the suggested additions to the list of "radiogenic" diseases are outside of the scope of the original proposal and have not been subject to public comment, they will be given separate consideration. We will consult with the Veterans' Advisory Committee on Environmental Hazards and will consider whether there is sound scientific and medical evidence to warrant our adding any or all of the five diseases to the list of "radiogenic" diseases. Should we conclude that any or all of the five should be considered "radiogenic" we will implement a new rulemaking procedure for the further amendment of § 3.311b(b)(2).

The commenter objected to the proposed change to § 3.311b(h), stating that it was not explained, or even mentioned, in the preamble to the proposed regulations. It was suggested that the final sentence of the proposed change be eliminated. The reason for the proposed change to § 3.311b(h) was explained in the preamble (see the summary paragraph and the last paragraph on page 48551 of the Federal Register of December 1, 1988). However, in *Nehmer, et al., v. United States Veterans Administration, et al.*, C. A. No. C-86-6160 TEH, U. S. D. C., N. D. Cal., May 3, 1989, the court invalidated VA's requirement of proof of a causal relationship in adjudicating Agent Orange claims. In view of that decision, VA is reconsidering any necessary amendments to regulations adopted under the Veterans' Dioxin and Radiation Exposure Standards Act, Public Law 98-542, 98 Stat. 2725 (1984). Accordingly, we are withdrawing the proposed amendments of §§ 3.311a(g) and 3.311b(h) as they made reference to the causal relationship standard.

We appreciate the comments and suggestions submitted in response to publication of the proposed rules which are adopted with the exception of the

proposed amendments of §§ 3.311a(g) and 3.311b(h) which are withdrawn.

The Secretary hereby certifies that these regulatory amendments 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. 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 analyses requirements of section 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that these regulatory amendments are nonmajor for the following reasons:

(1) They will not have an annual effect on the economy of \$100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(Catalog of Federal Domestic Assistance Program numbers are 64.100, 64.101, 64.106, 64.109, and 64.110).

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: September 13, 1989.

Edward J. Derwinski,
Secretary of Veterans Affairs.

38 CFR PART 3, ADJUDICATION, IS AMENDED AS FOLLOWS:

1. In § 3.311b, the first sentence of paragraph (a)(1) is revised, paragraphs (b)(2)(i), (b)(2)(iii), (b)(2)(xiv), (b)(2)(xv), and (b)(4) are revised, and paragraphs (b)(2)(xvi) and (xvii) and authority citations for paragraphs (a)(1) and (b)(2) are added, to read as follows:

§ 3.311b Claims based on exposure to ionizing radiation.

(a) * * *

(1) *Dose assessment.* In all claims in which it is established that a radiogenic disease, listed in paragraph (b)(2) of this section, first became manifest after service and was not manifest to a compensable degree within any applicable presumptive period as specified in § 3.307 or § 3.309, and it is contended the disease is a result of

exposure to ionizing radiation in service, an assessment will be made as to the size and nature of the radiation dose or doses. * * *

(Authority: 38 U.S.C. 210(c))

* * * * *

(b) * * *

(2) * * *

(i) All forms of leukemia except chronic lymphatic (lymphocytic) leukemia;

* * * * *

(iii) Breast cancer;

* * * * *

(xiv) Salivary gland cancer;

(xv) Multiple myeloma;

(xvi) Posterior subcapsular cataracts; and

(xvii) Non-malignant thyroid nodular disease.

(Authority: 38 U.S.C. 210(c))

* * * * *

(4) For the purposes of paragraph

(b)(1) of this section:

(i) Bone cancer must become manifest within 30 years after exposure;

(ii) Leukemia may become manifest at any time after exposure;

(iii) Posterior subcapsular cataracts must become manifest 6 months or more after exposure; and

(iv) Other diseases specified in paragraph (b)(2) of this section must become manifest 5 years or more after exposure.

(Authority: 38 U.S.C. 210(c); Pub. L. 98-542)

§ 3.312 [Amended]

2. In § 3.312(c)(1), remove the word "casual" and add in its place, the word "causal".

[FR Doc. 89-24490 Filed 10-17-89; 8:45 am]

BILLING CODE 8320-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-40

[FPMR Temp. Reg. G-52, Supp. 1]

Use of Carrier Contractor for Express Small Package Transportation

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement extends the expiration date of FPMR Temporary Regulation G-52 to September 30, 1990.

DATES: Effective date: October 1, 1989.

Expiration date: September 30, 1990.

FOR FURTHER INFORMATION CONTACT: Ed Kelliher, Transportation Management Division, Freight Management Branch

(FBXF), FTS 557-7981 or commercial 703-557-7981.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-40

Freight, Government property, Moving of household goods, Office relocations, Transportation.

PART 101-40 [AMENDED]

The authority citation for part 101-40 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

In 41 CFR chapter 101, the following temporary regulation is added to the appendix at the end of subchapter G to read as follows:

Federal Property Management Regulations, Temporary Regulation G-52, Supplement 1

To: Heads of Federal agencies.

Subject: Use of carrier contractor for express small package transportation.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation G-52.

2. *Effective date.* This supplement is effective October 1, 1989.

3. *Expiration date.* This supplement expires September 30, 1990, unless sooner canceled or revised.

4. *Explanation of change.* The expiration date in paragraph 3 of FPMR Temporary Regulation G-52 is extended to September 30, 1990.

Dated: October 2, 1989.

Richard G. Austin,

Acting Administrator of General Services.

[FR Doc. 89-24512 Filed 10-17-89; 8:45 am]

BILLING CODE 6820-24-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 87-615; RM-5877, RM-6321]

Radio Broadcasting Services; Virgie and West Liberty, KY**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: This document allots Channel 298A to Virgie, Kentucky, in response to a petition filed by Shelby Valley Broadcasting, Inc., ("petitioner"), as the community's first local FM service. Channel 298A can be allotted to Virgie in compliance with the Commission's minimum distance separation requirements. The coordinates for Channel 298A at Virgie are 37-20-06 and 82-34-47. In response to a counterproposal filed by East Kentucky Broadcasting Corporation, we shall allot Channel 275A to West Liberty, Kentucky, as that community's first local FM service. Channel 275A can be allotted to West Liberty in compliance with the Commission's minimum distance separation requirements. The coordinates for Channel 275A at West Liberty are 37-55-24 and 83-15-30. With this action, this proceeding is terminated.

DATES: Effective November 24, 1989; The window period for filing applications will open on November 27, 1989, and close on December 27, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 87-615, adopted September 19, 1989, and released October 10, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73-202 [Amended]

2. Section 73.202(b) the Table of FM Allotments is amended under Kentucky by adding Virgie, Channel 298A, and West Liberty, Channel 275A.

Karl A. Kensinger,

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

[FR Doc. 89-24547 Filed 10-17-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-416, RM-5112]

Radio Broadcasting Services; Keokuk, IA**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: This document vacates an earlier action in this proceeding modifying the license of Station KOKX(FM), Channel 237A, Keokuk, Iowa, to specify operation on Channel 290C2, Keokuk, and reallots Channel 237A to Keokuk, in response to the request of the licensee of KOKX(FM). Channel 290C2, with a site restriction of 15.7 kilometers (9.8 miles) southwest of Keokuk at coordinates 40-16-12 and 91-28-29 is thereby available for applications. The licensee of Station KOKX(FM) has filed a petition for rule making proposing to substitute Channel 237C1 for Channel 237A at Keokuk. In a concurrent action, the Commission issues a Notice of Proposed Rule Making to this effect. If Channel 237A is modified to Channel 237C1, Channel 290C2 will be deleted from Keokuk due to interference concerns, and Channel 242C2 will serve as the substitute to accommodate any parties interested in pursuing a Class C2 channel at Keokuk. The document also dismisses a petition for stay, and denies an opposition to order to show cause and a petition for reconsideration. With this action, this proceeding is terminated.

DATES: Effective November 24, 1989; the window period for filing applications for Channel 290C2 at Keokuk, Iowa will open on November 27, 1989, and close on December 27, 1989.

FOR FURTHER INFORMATION CONTACT: Michael Ruger, Mass Media Bureau (202) 632-6302.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 86-416, adopted September 19, 1989, and released October 10, 1989. The full text of this Commission decision is available during business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington,

DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended for Iowa by adding Channel 237A at Keokuk.

Federal Communications Commission.

Bradley P. Holmes,

Chief, Policy and Rules Division Mass Media Bureau.

[FR Doc. 89-24548 Filed 10-17-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 80

[DA 89-1208]

Waiver of the Rules To Extend Aircraft Transmitter Frequency Tolerance**AGENCY:** Federal Communications Commission.**ACTION:** Waiver of rule.

SUMMARY: This order waives compliance with footnote 2 to title 47 of the Code of Federal Regulations § 87.133(a) until January 1, 1992, for currently installed aircraft radios. This waiver alleviates the impact of footnote 2 by providing more time within which aircraft radio transmitters operating in the band 100-470 MHz must meet a frequency tolerance of thirty parts per million (ppm). The frequency tolerance for aircraft stations subject to this waiver continues to be fifty ppm.

EFFECTIVE DATE: October 18, 1989.

FOR FURTHER INFORMATION CONTACT: Robert P. De Young, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:**Order**

In the matter of transmitter frequency tolerance in the aviation services.

Adopted: September 21, 1989.

Released: September 22, 1989.

By the Chief, Private Radio Bureau:

1. In an Order released May 22, 1984, FCC 84-220, 49 FR 21737 (1984), the Commission amended § 87.65 of the Rules, 47 CFR 87.65 to require, among