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United States General Accounting Office
Washington, DC 20548

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February 8, 2002

The Honorable John D. Rockefeller
Chairman
The Honorable Arlen Specter
Ranking Minority Member
Committee on Veterans' Affairs
United States Senate

The Honorable Christopher H. Smith
Chairman
The Honorable Lane Evans
Ranking Minority Member
Committee on Veterans' Affairs
House of Representatives

Subject: Department of Veterans Affairs: Diseases Specific to Radiation-Exposed Veterans

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Veterans Affairs (VA), entitled "Diseases Specific to Radiation-Exposed Veterans" (RIN: 2900-AK64). We received the rule on January 18, 2002. It was published in the Federal Register as a final rule on January 25, 2002. 67 Fed. Reg. 3612.

The final rule amends the VA's adjudication regulations concerning presumptive service connection for certain diseases for veterans who participated in radiation-risk activities during active service or while members of reserve components during active duty for training or inactive duty training. The rule adds cancers of the bone, brain, colon, lung, and ovary to the list of diseases that may be presumptively service connected and amends the definition of the term "radiation-risk activity."

Enclosed is our assessment of the VA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the VA complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is William Scanlon, Managing Director, Health Care. Mr. Scanlon can be reached at (202) 512-7114.

signed

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: Thomas O. Gessel
Director, Office of Regulations
Management
Department of Veterans Affairs

ENCLOSURE

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF VETERANS AFFAIRS
ENTITLED
"DISEASES SPECIFIC TO RADIATION-EXPOSED VETERANS"
(RIN: 2900-AK64)

(i) Cost-benefit analysis

The VA estimates that the 10-year benefits cost of the final rule will be \$769 million and that the administrative costs for the same time period will be \$34 million.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The Secretary of VA has certified that the final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The final rule does not contain either an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

The final rule was issued using the notice and comment procedures contained at 5 U.S.C. 553. On August 8, 2001, the VA published a Notice of Proposed Rulemaking in the Federal Register. 66 Fed. Reg. 41483. In the preamble to the final rule, the VA responds to the comments it received from veterans' organizations and individuals.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule does not contain any information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Statutory authorization for the rule

The final rule is promulgated under the authority contained 38 U.S.C. 501(a).

Executive Order No. 12866

The final rule was reviewed by OMB and found to be an “economically significant” regulatory action under the order.