

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 § 3.304, paragraph (f) is revised to read as follows:

§ 3.304 Direct service connection; wartime and peacetime.

* * * * *

(f) *Post-traumatic stress disorder.*

Service connection for post-traumatic stress disorder requires medical evidence diagnosing the condition in accordance with § 4.125(a) of this chapter; a link, established by medical evidence, between current symptoms and an in-service stressor; and credible supporting evidence that the claimed in-service stressor occurred. Although service connection may be established based on other in-service stressors, the following provisions apply for specified in-service stressors as set forth below:

(1) If the evidence establishes that the veteran engaged in combat with the enemy and the claimed stressor is related to that combat, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, the veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor.

(2) If the evidence establishes that the veteran was a prisoner-of-war under the provisions of § 3.1(y) of this part and the claimed stressor is related to that prisoner-of-war experience, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, the veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor.

(3) If a post-traumatic stress disorder claim is based on in-service personal assault, evidence from sources other than the veteran's service records may corroborate the veteran's account of the stressor incident. Examples of such evidence include, but are not limited to: records from law enforcement authorities, rape crisis centers, mental health counseling centers, hospitals, or physicians; pregnancy tests or tests for sexually transmitted diseases; and statements from family members, roommates, fellow service members, or

clergy. Evidence of behavior changes following the claimed assault is one type of relevant evidence that may be found in these sources. Examples of behavior changes that may constitute credible evidence of the stressor include, but are not limited to: a request for a transfer to another military duty assignment; deterioration in work performance; substance abuse; episodes of depression, panic attacks, or anxiety without an identifiable cause; or unexplained economic or social behavior changes. VA will not deny a post-traumatic stress disorder claim that is based on in-service personal assault without first advising the claimant that evidence from sources other than the veteran's service records or evidence of behavior changes may constitute credible supporting evidence of the stressor and allowing him or her the opportunity to furnish this type of evidence or advise VA of potential sources of such evidence. VA may submit any evidence that it receives to an appropriate medical or mental health professional for an opinion as to whether it indicates that a personal assault occurred.

(Authority: 38 U.S.C. 501(a), 1154)

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 98-132; FCC 01-314]

1998 Biennial Review—Multichannel Video and Cable Television Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the effective date of an amendment to our rules pertaining to the public file, notice, recordkeeping, and reporting requirements adopted in the Second Report and Order in CS Docket No. 98-132 in the Commission's biennial review of the public file and notice requirements concerning cable television. Section 76.1700(a) relieves cable systems serving 1000 or more, but fewer than 5000 subscribers, from certain recordkeeping requirements associated with maintaining the public file, requiring public file information to be provided only upon request. A summary of the Second Report and Order was published in the **Federal**

Register at 66 FR 67115 on December 28, 2001.

DATES: Section 76.1700(a), published at 66 FR 67115 (December 28, 2001) became effective on January 28, 2002.

FOR FURTHER INFORMATION CONTACT:

Sonia Greenaway-Mickle, Cable Services Bureau, (202) 418-1419.

SUPPLEMENTARY INFORMATION: On March 26, 1999, the Commission released a Report and Order in CS Docket No. 98-132, 65 FR 53610, regarding the Commission's 1998 biennial regulatory review of its regulations conducted pursuant to section 11 of the Telecommunications Act of 1996 and streamlined and reorganized part 76 public file, recordkeeping, and notice requirements. In the Second Report and Order in CS Docket No. 98-132, the Commission adopted section 76.1700(a). Section 76.1700(a) relieves cable systems serving 1000 or more, but fewer than 5000 subscribers, from certain recordkeeping requirements associated with maintaining the public file, requiring public file information to be provided only upon request. A summary of the Second Report and Order was published in the **Federal Register** at 66 FR 67115 on December 28, 2001. On June 7, 2001, OMB approved the information collection contained in the part 76 rule. OMB 3060-0981. This publication satisfies the statement in the Second Report and Order that the Commission would publish a document in the **Federal Register** announcing the effective date of that rule.

List of Subjects in 47 CFR Part 76

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1002

[STB Ex Parte No. 542 (Sub-No. 8)]

Regulations Governing Fees For Services Performed in Connection With Licensing and Related Services—2002 Update

AGENCY: Surface Transportation Board, DOT.

ACTION: Final rules.

SUMMARY: The Board adopts its 2002 User Fee Update and revises its fee schedule at this time to recover the costs