



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

October 4, 2011

Mr. John Paul Rossie
Chief Executive Director
Blue Water Navy Vietnam Veterans Association
P.O. Box 1035
Littleton, CO 80160-1035

Dear Mr. Rossie:

This is in response to your request, dated January 30, 2009, that the Secretary of Veterans Affairs revise 38 C.F.R. § 3.313 to specify that the presumption of service connection for non-Hodgkin's Lymphoma (NHL) under that regulation includes chronic lymphocytic leukemia (CLL). I apologize for the delay in responding to your request as we evaluated evolving evidence on the important issue you raised.

The Department of Veterans Affairs (VA) is firmly committed to ensuring the accurate, fair, and efficient adjudication of claims for compensation for disabilities due to NHL. Thus, VA has considered your request as a petition for rulemaking under 5 U.S.C. § 553(e). VA is denying your petition to revise the regulation at this time, but is pursuing other administrative action related to your concern.

As you know, VA has long interpreted the presumption of service connection for NHL under section 3.313 to encompass several subtypes of lymphoma, including small lymphocytic lymphoma (SLL). Following receipt of your letter, VA carefully considered the evolving evidence of the biological and etiological similarities between B-cell CLL and SLL, and has concluded that both conditions may be considered to be forms of NHL for purposes of section 3.313. However, it is not necessary to amend section 3.313 to implement this determination because that regulation does not list the various subtypes of NHL. Accordingly, VA can implement a change in its interpretation without the need for rulemaking. VA plans to issue policy guidance on this matter through revisions to the VA Adjudication and Procedure Manual, M21-1MR.

We appreciate your interest in this matter.

Sincerely,

A handwritten signature in black ink, which appears to read "John R. Gingrich".

John R. Gingrich
Chief of Staff