

hearing will be arranged with those persons requested the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting.

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30

U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 28, 1997.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 97-14549 Filed 6-3-97; 8:45 am]

BILLING CODE 4310-05-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1190 and 1191

Accessibility Guidelines for Outdoor Developed Areas

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of establishment of regulatory negotiation committee and first committee meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has decided to establish a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for newly constructed and altered outdoor developed areas covered by the Americans with Disabilities Act and the Architectural Barriers Act. The regulatory negotiation committee will be comprised of organizations who represent the interests affected by the accessibility guidelines for outdoor developed areas. This notice also announces the times and location of the first meeting of the regulatory negotiation committee.

DATES: The first meeting of the regulatory negotiation committee is scheduled for June 26 and 27, 1997 beginning at 8:30 a.m. each day. The meeting will end at 5:00 p.m. on June 26, 1997 and at 4:00 p.m. on June 27, 1997.

ADDRESSES: The first meeting of the regulatory negotiation committee will be held at the offices of the Paralyzed Veterans of America, 801 18th Street, NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Peggy Greenwell, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC, 20004-1111. Telephone number (202) 272-5434 extension 34 (Voice); (202) 272-5449 (TTY). This document is available in alternate formats (cassette tape, braille, large print, or computer disk) upon request. This document is also available on the Board's Internet Site (<http://www.access-board.gov/rules/outdoor.htm>).

SUPPLEMENTARY INFORMATION: On April 18, 1997, the Architectural and Transportation Barriers Compliance Board (Access Board) published a notice of intent to establish a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for newly constructed and altered outdoor developed areas covered by the Americans with Disabilities Act and the Architectural Barriers Act. 62 FR 19084 (April 18, 1997). The notice identified the interests that are likely to be significantly affected by the accessibility guidelines: State and local governments; individuals with disabilities; designers; conservation groups; trails groups; and private sector camping facilities. The notice proposed a list of 19 organizations to represent these interests on the regulatory negotiation committee. Comments were requested on the proposal to establish the regulatory negotiation committee and the proposed committee membership.

The comments supported the establishment of the regulatory negotiation committee. Six more organizations have been added to the regulatory negotiation committee in response to the comments. The following 25 organizations will comprise the regulatory negotiation committee:

American Association of Landscape Architects
 American Camping Association
 American Trails
 Appalachian Trail Conference
 Hawaii Commission on Persons with Disabilities
 KOA (Kampgrounds of America), Inc.
 National Association of State Park Directors
 National Association of State Trail Administrators
 National Center on Accessibility
 National Council on Independent Living
 National Parks and Conservation Association
 National Recreation and Park Association
 National Spinal Cord Injury Association
 New York State Department of Environmental Conservation, Bureau of Public Lands
 Paralyzed Veterans of America
 Partners for Access to the Woods
 Rails to Trails Conservancy
 State of Washington, Interagency Committee for Outdoor Recreation
 TASH (The Association of Severely Handicapped)
 U.S. Architectural and Transportation Barriers Compliance Board
 U.S. Army Corps of Engineers
 U.S. Department of Agriculture, Forest Service

U.S. Department of the Interior, National Park Service
 U.S. Department of Transportation, Federal Highway Administration
 Whole Access

The first meeting of the regulatory negotiation committee will be held in Washington, DC on June 26 and 27, 1997. The times and location of the meeting are listed at the beginning of this notice. The meeting is open to the public. The meeting site is accessible to individuals with disabilities. Individuals with hearing impairments who require sign language interpreters should contact Peggy Greenwell by June 18, 1997 by calling (202) 272-5434 extension 34 (voice) or (202) 272-5449 (TTY).

Dated: May 29, 1997.

Patrick D. Cannon,

Chair, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 97-14553 Filed 6-3-97; 8:45 am]

BILLING CODE 8150-01-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AI42

Claims Based on Aggravation of a Nonservice-Connected Disability

AGENCY: Department of Veterans Affairs.
ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning secondary service connection for certain disabilities. This proposal is based on a recent decision by the United States Court of Veterans Appeals (CVA). The intended effect of this amendment is to conform VA regulations to the CVA decision, which clarified the circumstances under which veterans may be compensated for disabilities related to service-connected conditions.

DATES: Comments must be received by VA on or before August 4, 1997.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management, Room 1154, 810 Vermont Ave., NW., Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AI42." All written comments will be made available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT:

Judith Veres, Consultant, Judicial Review Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 273-7240.

SUPPLEMENTARY INFORMATION: Under the provisions of 38 U.S.C. 1110 and 1131, VA may establish service connection for disabilities resulting from disease or injury incurred or aggravated during a veteran's period of active military, naval, or air service. Once service connection is established for a veteran's disability, VA may authorize monetary compensation depending on the disability's level of severity. In addition, under 38 CFR 3.310, VA may establish service connection for a disability which is proximately due to or the result of a service-connected disease or injury.

In *Allen v. Brown*, 7 Vet. App. 439, 448 (1995), issued March 17, 1995, CVA held that, as a matter of law, when aggravation of a veteran's nonservice-connected condition is proximately due to or the result of a service-connected condition, the veteran is entitled to compensation for the degree of disability (but only that degree) over and above the degree of disability existing prior to aggravation. Prior to CVA's holding, VA paid compensation for a disability on a secondary basis only if the secondary condition was entirely caused by a service-connected disability. To conform § 3.310 to CVA's decision, VA is proposing to amend 38 CFR 3.310 to authorize compensation for the incremental increase in severity of a nonservice-connected disability which is proximately due to or the result of a service-connected condition.

In order to determine whether, and to what extent, a service-connected disease or injury has aggravated a non service-connected disability, VA must be able to determine the pre-aggravation severity of the disability in question. We, therefore, propose to stipulate that VA will not concede aggravation unless it has medical evidence, which pre-existed the aggravation, sufficient to establish the pre-aggravation severity of the condition. Since some conditions are inherently progressive and worsen naturally over time, we propose to specify that VA will not service-connect any increase in severity that is due to natural progression. These requirements would be consistent with the manner in which VA determines the degree of in-service aggravation of pre-existing disabilities, i.e., by comparing the severity of the condition when the veteran entered and left active military