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Jean A. Webb,

Secretary of the Commission.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Ch. I

#### Minerals Management Service

#### 30 CFR Ch. II

#### Geological Survey

#### 30 CFR Ch. IV

#### Bureau of Mines

#### 30 CFR Ch. VI

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Ch. VII

#### National Park Service

#### 36 CFR Ch. I

#### Office of the Secretary

#### 43 CFR Subtitle A

#### 48 CFR Ch. 14

#### Bureau of Reclamation

#### 43 CFR Ch. I

#### Bureau of Land Management

#### 43 CFR Ch. II

#### Fish and Wildlife Service

#### 50 CFR Chs. I and IV

#### Review of Existing Significant Regulations

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of intent of periodic reviews of regulations; request for comment.

**SUMMARY:** Pursuant to Executive Order 12866 (the "Order"), the Department of the Interior ("DOI") is announcing its intent to establish periodic reviews of all "significant" regulations published by the Department. The purpose of these reviews is to ensure that all significant DOI regulations are efficient and effective, impose the least possible burden upon the public, and are tailored no broader than necessary to meet the objectives of the program being

implemented. The purpose of this notice is to seek public comment on which DOI regulations should be reviewed, the best means for ensuring appropriate public involvement in the review process, and on mechanisms or processes to ensure that thorough reviews are conducted at appropriate intervals.

**DATES:** Written comments must be received by May 2, 1994.

**ADDRESSES:** Please send written comments to Bill Vincent, Deputy Director, Office of Regulatory Affairs, Department of the Interior, Mail Stop 6214 MIB, 1849 C Street NW., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Bill Vincent, Deputy Director, Office of Regulatory Affairs, phone (202) 208-5271.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 5 of the Order requires all federal agencies to establish periodic reviews of all "significant" regulations currently published in the Code of Federal Regulations. The purpose of these reviews is to ensure that regulations help provide the highest possible quality services to the public, are tailored no broader than necessary to efficiently and effectively meet program objectives and Presidential priorities, and impose the least possible burden on the public.

DOI is developing a methodology for conducting these reviews and is seeking public comment to help determine which regulations should be reviewed as part of this process, to develop a mechanism to encourage the fullest appropriate public involvement in the review process, and to develop schedules for conducting reviews at appropriate intervals. DOI intends to solicit public comment on the substance of the reviews at a later date by publishing in the *Federal Register* a listing of all rules subject to review and inviting public comments on those rules.

##### Review Plan

To implement the Order, the Department first is seeking to determine which regulations should be reviewed within the next two years. Each bureau and office currently is identifying all "significant" existing regulations within their respective program areas. The Order defines a "significant" regulation as any regulation

That is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the

economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments, or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

In determining which existing regulations are significant, DOI plans to consider all regulations within their programmatic context. As a result, rules that are not "significant" standing alone may be significant as part of a broader programmatic scheme and, therefore, may be subject to review.

Although the Order requires only the review of existing "significant" regulations, DOI will consider reviewing any existing regulation that is identified as in need of review. Commenters therefore are encouraged to identify such regulations, and to explain briefly why review is important at this time.

Commenters also may indicate how regulatory changes will improve the services we provide to our customers, the public. Service improvement includes better access to services, improved responsiveness to requests and applications, reduced waiting times for processing information and decisionmaking, and better mechanisms for including customers' needs and desires in the decisionmaking process. In achieving such service improvements, the Department is committed to using modern management techniques wherever practical. These techniques include: (1) Empowering managers and employees to achieve results rather than simply adhering to rigid bureaucratic procedures; (2) ensuring that authority, responsibility, and accountability are placed at the most appropriate levels; and (3) seeking methods to ensure continuous improvements in quality and program integrity while minimizing administrative expenses.

The Department intends to encourage the fullest appropriate public involvement in the review process. Commenters should indicate the best means for ensuring appropriate public participation. The Department is willing to meet with industry, interest groups, and others to discuss their ideas on regulatory reform. The Department also intends to coordinate with other federal agencies and state, local, and tribal governments to ensure that regulatory policies are clear and consistent and to minimize unnecessary overlap and duplication.

Commenters also may suggest mechanisms and processes they believe will help ensure that thorough reviews are conducted in a periodic and timely manner. Currently, the Department intends, wherever possible, to conduct periodic reviews concurrently with reviews required by statute or other competent legal authority. Where such mandated reviews do not exist, however, the Department intends to develop review schedules that are appropriate for particular program areas. Commenters should indicate the frequency with which reviews should be conducted. Although the timing of specific reviews may vary, the Department is considering requiring that the first cycle of reviews, including the implementation of any recommended changes, be completed by June 30, 1996.

Dated: February 23, 1994.

Bill Vincent,

Deputy Director, Office of Regulatory Affairs,  
Office of the Secretary.

[FR Doc. 94-4601 Filed 2-28-94; 8:45 am]

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 3

RIN 2900-AF03

#### Line of Duty

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

**SUMMARY:** The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning the service connection of disabilities incurred or aggravated in line of duty. This proposed change is necessary to implement legislation which precludes the establishment of service connection for any condition that results from the abuse of alcohol or drugs.

**DATES:** Comments must be received on or before May 2, 1994. Comments will be available for public inspection until May 10, 1994. This proposed change is proposed to be effective November 1, 1990, the date established by the enacting legislation.

**ADDRESSES:** Interested persons are invited to submit written comments, suggestions, or objections regarding this change to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and

4:30 p.m., Monday through Friday (except holidays), until May 10, 1994.

**FOR FURTHER INFORMATION CONTACT:** John Bisset, Jr. Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233-3005.

**SUPPLEMENTARY INFORMATION:** Section 8052 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508, amended 38 U.S.C. 105(a), 1110 and 1131 to provide that injuries or diseases incurred or aggravated during service as a result of the abuse of alcohol or drugs will not be considered incurred or aggravated in the line of duty and thus would not be compensable by VA as service-connected disabilities. These provisions apply to claims filed after October 31, 1990. VA proposes to define drug abuse as the use of illegal drugs (including prescription drugs that are illegally or illicitly obtained), the intentional use of prescription or non-prescription drugs for a purpose other than the medically intended use, or the use of substances other than alcohol to enjoy their intoxicating effects. VA proposes to define alcohol abuse as the drinking of alcoholic beverages in any amount, over any period of time, sufficient to cause disability or death. VA proposes to amend 38 CFR 3.1 and 3.301 to implement this new statutory provision.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program number is 64.109.

#### List of Subjects in 38 CFR Part 3

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

Approved: December 22, 1993.

Jesse Brown,  
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is proposed to be amended as set forth below:

## 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.

#### § 3.1 [Amended].

2. In § 3.1(m) introductory text, the first sentence, after the words "willful misconduct" add the words "or abuse of alcohol or drugs".

#### § 3.301 [Amended].

3. In § 3.301(a), after the words "willful misconduct" add the words "or abuse of alcohol or drugs".

4. In § 3.301(c), the heading of the introductory text, after the word "applications" add the words "; willful misconduct".

5. In § 3.301(c)(3), after the third sentence, add the words "(See paragraph (d) of this section regarding service connection where disability or death is a result of abuse of drugs.)". In the fourth sentence, remove the words "Similarly, where" and add, in their place, the word "Where".

6. In § 3.301, add a new paragraph (d) to read as follows:

#### § 3.301 Line of duty and misconduct.

(d) *Line of duty; abuse of alcohol or drugs.* An injury or disease incurred during active military, naval, or air service shall not be deemed to have been incurred in line of duty if such injury or disease was a result of the abuse of alcohol or drugs. For the purpose of this paragraph, alcohol abuse means the drinking of alcoholic beverages in any amount, over any period of time, sufficient to cause disability or death; drug abuse means the use of illegal drugs (including prescription drugs that are illegally or illicitly obtained), the intentional use of prescription or non-prescription drugs for a purpose other than the medically intended use, or the use of substances other than alcohol to enjoy their intoxicating effects.

(Authority: 38 U.S.C. 105(a))

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