Approved: August 18, 2006.

Gregg A. Cervi,

Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).

[FR Doc. E6–14693 Filed 9–6–06; 8:45 am]

BILLING CODE 3810–FF–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

32 CFR Part 2002

[NARA–06–006]

RIN 3095–AB51

General Guidelines for Systematic Declassification Review of Foreign Government Information; Removal of Part

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: The National Archives and Records Administration (NARA) is removing Information Security Oversight Office (ISOO) regulations on the general guidelines for systematic declassification review of foreign government information. Following the issuance of Executive Order 12958 (Classified National Security Information) on April 17, 1995, and its amendment on March 25, 2003, the General Guidelines for Systematic Declassification Review of Foreign Government Information, became obsolete. The final rule will affect Federal agencies.

EFFECTIVE DATE: Effective September 7, 2006.

FOR FURTHER INFORMATION CONTACT: J. William Leonard, Director, ISOO, at 202–357–5400.

SUPPLEMENTARY INFORMATION: The authority citation for part 2002 is no longer valid with the revocation of E.O. 12356 following the issuance of E.O. 12958, as amended. Part 2002 prescribed the general guidelines for the systematic declassification review of classified foreign government information that was either received or classified by the United States Government or its agents, and incorporated into records determined by the Archivist of the United States to have permanent value. E.O. 12958, as amended, and its implementing regulation, 32 CFR parts 2001 and 2004 (ISOO Directive No. 1), provide for the declassification of classified foreign government information. As national security classified information, classified foreign government information is subject to automatic declassification after 25 years unless specifically exempted.

Therefore, pursuant to 5 U.S.C. 553(b)(B), good cause exists for waiving the requirements of notice and opportunity for comment on the withdrawal of 32 CFR part 2002. Following the issuance of Executive Order 12958, as amended, these sections became obsolete. Therefore, because the Information Security Oversight Office (ISOO) has no authority to retain these sections, the process of notice and comment would be unproductive and is unnecessary. Additionally, it is in the public interest to remove an obsolete regulation.

This rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been submitted for Office of Management and Budget review under that order. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities because this rule applies to Federal agencies. This regulation does not have any federalism implications.

List of Subjects in 32 CFR Part 2002

Archives and records, Declassification.

PART 2002—[REMOVED]

■ Under E.O. 12958, as amended, section 3.3(g) and for the reasons set forth in the preamble, NARA amends 32 CFR chapter 20 by removing part 2002.

Dated: August 24, 2006.

J. William Leonard,

Director, Information Security Oversight Office.

Approved: August 30, 2006.

Allen Weinstein,

Archivist of the United States.

[FR Doc. E6–14761 Filed 9–6–06; 8:45 am]

BILLING CODE 7515–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–06–111]

Drawbridge Operation Regulations; Housatonic River, Stratford, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the U.S. 1 Bridge, across the Housatonic River, mile 3.5, at Stratford, Connecticut. Under this temporary deviation, only one of the two moveable bascule spans will be opened for the passage of vessel traffic. This deviation is necessary to facilitate scheduled bridge maintenance.

DATES: This deviation is effective from September 18, 2006 through November 16, 2006.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, One South Street, New York, New York 10004, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The U.S. 1 Bridge across the Housatonic River, mile 3.5, at Stratford, Connecticut, has a vertical clearance in the closed position of 32 feet at mean high water and 37 feet at mean low water. The existing operating regulations are listed at 33 CFR 117.207(a).

The bridge owner, Connecticut Department of Transportation, requested a temporary deviation to allow opening only one of the two moveable bascule spans for the passage of vessel traffic from September 18, 2006 through November 16, 2006, in order to facilitate scheduled bridge maintenance.

Under this temporary deviation, the U.S. 1 Bridge need only open one of the two movable bascule spans for the passage of vessel traffic from September 18, 2006 through November 16, 2006. Two-span, full bridge, openings shall be provided upon request, if at least a three-day advance notice is given, by calling the number posted at the bridge. Otherwise, the bridge will continue to open during this temporary deviation in accordance with the schedule specified in 33 CFR 117.207(a).

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Should the bridge maintenance authorized by this temporary deviation be completed before the end of the effective period published in this notice, the Coast Guard will rescind the remainder of this temporary deviation, the bridge shall be returned to its normal operating schedule, and notice will be provided to the public.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: August 28, 2006.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E6–14834 Filed 9–6–06; 8:45 am]

BILLING CODE 4910–15–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: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its adjudication regulations concerning secondary service connection. This amendment is necessary because of a court decision that clarified the circumstances under which a veteran may be compensated for an increase in the severity of an otherwise nonservice-connected condition which is caused by aggravation from a service-connected condition. The intended effect of this amendment is to conform VA regulations to the court's decision.

DATES: *Effective Date:* October 10, 2006.

FOR FURTHER INFORMATION CONTACT: Bill Russo, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–7211.

SUPPLEMENTARY INFORMATION: VA published in the **Federal Register** (62 FR 30547) a proposed rule to amend 38 CFR 3.310 by adding a new paragraph to implement a decision of the United States Court of Veterans Appeals (now the United States Court of Appeals for Veterans Claims) (CAVC) in the case of *Allen* v. *Brown*, 7 Vet. App. 439 (1995), that provided for establishing service connection for that amount of increase in an otherwise nonservice-connected condition which was caused by aggravation from a service-connected condition (*Allen* aggravation). We received comments from the Disabled American Veterans and the Vietnam Veterans of America, Inc. Based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposed rule as a final rule with the changes indicated below.

One commenter expressed the opinion that VA should establish service connection for the entire aggravated injury or disease, but only pay compensation for that part of the condition that is due to aggravation by an already service-connected condition. The commenter opined that 38 U.S.C. 1110 and 1131 do not allow VA to establish service connection for part of a condition. The same commenter stated that it has been the policy of VA to compensate the entire disability where a service-connected condition and a nonservice-connected condition affect a single organ, body system, or function, and the two conditions have common symptoms that cannot be separated. This commenter felt that the policy was an acknowledgment by VA that the symptoms cannot be separated to allow proportioning the disability attributable to each organ, body system, or function. We do not agree with this proposed amendment to the rule.

In *Allen* v. *Brown*, 7 Vet. App. 439 (1995), the CAVC held that 38 U.S.C. 1110 requires VA to pay compensation for the aggravation of the nonservice-connected disability but did not, we believe, express a specific view on whether VA would be required or permitted to grant ''service connection'' for all or only part of the nonservice-connected disease. Section 1110 does not directly speak to awards of ''service connection,'' but merely authorizes compensation for ''disability,'' which the CAVC in *Allen* construed to mean ''impairment of earning capacity.'' Section 1110 further requires that the disability have been caused by an injury or disease incurred or aggravated in service. This is consistent with the proposed rule, which requires that the ''disability'' (the increased severity of the nonservice-connected condition) must be caused by a service-connected injury or disease. Accordingly, section 1110 does not support the commenter's position. In its holding in *Tobin* v. *Derwinski,* 2 Vet. App. 34 (1991), the CAVC apparently interpreted 38 CFR 3.310 to require VA to grant ''service connection'' for the portion of the nonservice-connected disability attributable to aggravation by the service-connected condition. Thus, when read in tandem, the CAVC's rulings require VA to service connect the degree of aggravation of a nonservice-connected condition by a service-connected disability and to pay compensation for that level of disability attributable to such aggravation. Although § 3.310 reasonably provides that any disability proximately caused by a service-connected disease will be considered part of the service-connected condition, for purposes of authorizing service connection and compensation, there is no clear basis for awarding service connection for the entire nonservice-connected condition, including aspects of that condition that are not attributable to a service-connected condition.

Although 38 U.S.C. 1110 neither uses nor defines the term ''service-connected,'' that term is defined in 38 U.S.C. 101(16) to mean, in pertinent part, that a ''disability was incurred or aggravated * * * in line of duty in the active military, naval, or air service.'' Nothing in that definition requires or authorizes VA to grant service connection for the entirety of a disease or injury that was not incurred or aggravated in service.

Both commenters expressed concerns about the difficulties in establishing the degree of aggravation that is to be compensated. However, VA believes that, if medical evidence is adequately developed, computation of the degree of aggravation should be attainable. The degree of aggravation would be assessed based upon the objective medical evidence of record.

Both commenters objected to the proposed rule's requirement of ''medical evidence extant before the aggravation sufficient to establish the pre-aggravation severity of the disability.'' They suggested that a current medical opinion should be sufficient to establish the fact of aggravation.

Aggravation is a comparative term meaning that a disability has worsened from one level of severity to another. In order to establish the degree to which aggravation has occurred, it is necessary to compare the current level of severity to a prior level of severity. In cases of disabilities which pre-existed service, in standard aggravation claims under 38 U.S.C. 1153, the pre-service level of severity is generally established by a service entrance examination. If no disabilities are noted on that examination, the veteran is presumed to have been in sound condition when he or she entered service. If disabilities are noted on the entrance examination, the examiner should include sufficient findings to permit a determination of the degree of disability. If the findings indicate severe disability, the person would not be allowed on active duty. If the findings indicate mild to moderate disability, an assessment of fitness for duty would be made. If the person were allowed on active duty, there should be sufficient findings for a later assessment of the pre-service level of disability, which would be deducted from the post-service level of disability in a