

and 5:30 p.m. on Monday, Tuesday, Thursday, and Friday, and at 7:30 a.m., 12:30 p.m., and 4:30 p.m. on Wednesday.

(2) From December 15 through March 15, if at least 12 hours notice is given.

\* \* \* \* \*

Dated: April 9, 1997.

**G. F. Woolever**

*Rear Admiral, U.S. Coast Guard Commander,  
Ninth Coast Guard District.*

[FR Doc. 97-9887 Filed 4-17-97; 8:45 am]

BILLING CODE 4910-14-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 intent to form a regulatory negotiation committee.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (Access Board) proposes 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 composed of organizations who represent the interests affected by the accessibility guidelines for outdoor developed areas. The Access Board invites comments on the proposal to establish the regulatory negotiation committee and the proposed committee membership.

**DATES:** Comments should be received by May 19, 1997.

**ADDRESSES:** Comments should be sent to the Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004-1111. Fax number (202) 272-5447.

**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.accessboard.gov/notices/outdoor.htm>).

**SUPPLEMENTARY INFORMATION:** The Architectural and Transportation Barriers Compliance Board (Access Board) is responsible for developing accessibility guidelines under the Americans with Disabilities Act and the Architectural Barriers Act to ensure that new construction and alterations of facilities covered by the laws are readily accessible to and usable by individuals with disabilities.<sup>1</sup>

In July 1993, the Access Board established a Recreation Access Advisory Committee to examine various types of recreation facilities and make recommendations for accessibility guidelines for the facilities. The Committee presented its recommendations to the Access Board in July 1994. The recommendations addressed six types of recreation facilities: sports facilities; places of amusement; play facilities; golf facilities; boating and fishing facilities; and outdoor developed areas. The Access Board published an advance notice of proposed rulemaking (ANPRM) in September 1994 inviting public comment on the Committee's recommendations. 59 FR 48542 (September 21, 1994). Comments received in response to the ANPRM generally supported the Committee's recommendations.

Based on the recommendations of the Recreation Access Advisory Committee and through comments received in response to the ANPRM, the Board has sufficient information to proceed with a

<sup>1</sup> The Access Board is an independent Federal agency established by section 502 of the Rehabilitation Act (29 U.S.C. 792) whose primary mission is to promote accessibility for individuals with disabilities. The Access Board consists of 25 members. Thirteen are appointed by the President from among the public, a majority of who are required to be individuals with disabilities. The other twelve are heads of the following Federal agencies or their designees whose positions are Executive Level IV or above: The Departments of Health and Human Services, Education, Transportation, Housing and Urban Development, Labor, Interior, Defense, Justice, Veterans Affairs, and Commerce; General Services Administration; and the United States Postal Service.

The Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*) is a comprehensive civil rights law which prohibits discrimination on the basis of disability and requires, among other things, that newly constructed and altered State and local government facilities, places of public accommodation, and commercial facilities be readily accessible to and usable by individuals with disabilities.

The Architectural Barriers Act (42 U.S.C. 4151 *et seq.*) requires that certain federally financed facilities be readily accessible to and usable by individuals with disabilities.

proposed rule to address access to sports facilities; places of amusement; golf facilities; and boating and fishing facilities. However, the Board has identified two areas where there is a lack of consensus. These two areas are play facilities such as playgrounds and similar facilities found in schools and day care centers; and outdoor developed areas such as parks, trails, camping facilities, picnic areas, and beaches. The Board will use regulatory negotiation committees to reach consensus in both of these areas. In February 1996 the Board established a regulatory negotiation committee on access to play facilities. The Committee is expected to issue a report to the Board in July 1997.

The Board now is turning its attention to the remaining issues affecting outdoor developed areas. The Recreation Access Advisory Committee provided recommendations for accessibility requirements based upon the premise that there is a spectrum of recreation settings that occur in the outdoor environment. The recommendations identified four different environments that exist in outdoor areas. The areas include the highly developed or urban; the moderately developed or natural; the minimally developed or back-country; and the undeveloped or primitive area. To accommodate the highly, moderately, and minimally developed sites, three degrees of accessibility, (easier, moderate, and difficult) were recommended which correlate with the amount of site modification and development as well as the natural environment and rugged terrain. The Committee recommended that no requirements apply in the primitive environment.

Two alternatives were presented to determine the highest degree of accessibility. One alternative based the determination of highest degree of access on the consideration of five interrelated factors: recreation setting, condition of the natural environment, amount of structural modification, recreation experience, and consultation with people with disabilities. The other approach, defines the highest degree of access at the outset to be the easier degree for all recreation settings and environments unless it would change the fundamental nature of the activity or environment. Exceptions can then be invoked to modify the degree of access, on a requirement by requirement basis, because of severe elevations, geologic features, historic character, or the specific purpose of a trail. Documentation for the exception must include evidence that people with

disabilities or their representatives were involved in the decision.

The Access Board proposes to establish a regulatory negotiation committee to reach consensus on the approach and to develop a proposed rule on accessibility guidelines for outdoor developed areas. Regulatory negotiation is a supplement to the traditional rulemaking process that allows for face-to-face negotiations among representatives of affected interests, including the agency, with a goal of arriving at a consensus decision on the text of a proposed rule. The proposed rule is then published in the **Federal Register** and the public has an opportunity to comment.

The interests likely to be significantly affected by accessibility guidelines for outdoor developed areas include State and local governments; individuals with disabilities; designers; conservation groups; trails groups; and private sector camping facilities. The Access Board proposes to appoint the following organizations to represent these interests on the regulatory negotiation committee:

American Association of Landscape Architects  
American Trails  
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  
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  
Whole Access

Comments are invited on the proposal to establish the regulatory negotiation committee and the proposed membership of the committee. Persons who will be significantly affected by the accessibility guidelines for outdoor developed areas and who believe that their interests will not be adequately represented by the above organizations may apply for, or nominate another

organization for, membership on the regulatory negotiation committee. The Board especially encourages additional organizations representing individuals with disabilities to apply for membership on the committee.

Applications or nominations should include the following information: (i) The name of the applicant or nominee and the interest that the person proposes to represent; (ii) evidence that the applicant or nominee is authorized to represent an organization or other parties having interests similar to the interests the person proposes to represent; (iii) a written commitment that the applicant or nominee would participate in good faith; and (iv) the reasons that the organizations specified in this notice do not adequately represent the interests that applicant or nominee proposes to represent.

For regulatory negotiation to be effective, the size of the committee should be limited. Each person or organization affected by accessibility guidelines for outdoor developed areas need not have its own representative on the regulatory negotiation committee. Rather, each interest must be adequately represented and the membership must be fairly balanced. Meetings of the regulatory negotiation committee will be announced in the **Federal Register**. The meetings will be open to the public and anyone may attend the meetings and confer with or provide their views to members of the regulatory negotiation committee.

The Access Board has arranged for the Federal Mediation and Conciliation Service to provide facilitators for the regulatory negotiation committee. Staff support will be provided by the Access Board. Members of the regulatory negotiation committee will not be compensated for their service. The Access Board may pay travel expenses for a limited number of persons who would otherwise be unable to serve on the regulatory negotiation committee. Members of the regulatory negotiation committee will not be considered special government employees since they will serve as representatives of their organizations and will not be required to file confidential financial disclosure reports.

After reviewing the comments received in response to this notice, the Access Board will issue a notice in the **Federal Register** announcing the establishment of the regulatory negotiation committee and the committee membership, unless it is determined based on the comments that regulatory negotiation would be inappropriate.

The first meeting of the regulatory negotiation committee is tentatively scheduled for June 26–27, 1997 in Washington, DC. The Access Board expects that the regulatory negotiation committee will develop a proposed rule within 15 months of the first meeting.

However, if unforeseen delays occur, the Chairman of the Access Board may agree to an extension of that time if a consensus of the regulatory negotiation committee believes that additional time will result in agreement.

After the regulatory negotiation committee develops a proposed rule on accessibility guidelines for outdoor developed areas, the Access Board will publish a notice of proposed rulemaking (NPRM) in the **Federal Register** inviting public comment.

Issued on April 15, 1997.

**Patrick D. Cannon,**

*Chair, Architectural and Transportation Barriers Compliance Board.*

[FR Doc. 97–10125 Filed 4–17–97; 8:45 am]

BILLING CODE 8150–01–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA–4055b; FRL–5810–1]

### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NO<sub>x</sub> RACT Determinations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of establishing VOC and NO<sub>x</sub> RACT for nine facilities. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and the accompanying Technical Support Document. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will