

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the Federal Register of July 31, 1996 (61 FR 39867). The document amended the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADA's) filed by Merck Research Laboratories, Division of Merck & Co., Inc. The document was published with a typographical error in the title. This document corrects that error.

EFFECTIVE DATE: July 31, 1996.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV-112), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0137.

In FR Doc. 96-19410, appearing on page 39867 in the Federal Register of Wednesday, July 31, 1996, the following correction is made: On page 39867, in the second column, the title of the document is corrected to read "Oral Dosage Form New Animal Drugs; Ivermectin Tablets and Chewable Cubes."

Dated: August 19, 1996.

Robert C. Livingston,
*Director, Office of New Animal Drug
Evaluation, Center for Veterinary Medicine.*
[FR Doc. 96-21848 Filed 8-26-96; 8:45 am]
BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 667

[FHWA Docket No. 95-28]

RIN 2125-AD69

Elimination of Regulations Concerning the Public Lands Highways Discretionary Funds Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is eliminating its regulations outlining the procedures to be followed in administering the Public Lands Highways (PLH) discretionary funds program. These provisions have become outdated and unnecessary as a result of amendments made by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914) to the statutory provisions in title 23 of the United States Code (U.S.C.) which authorize distribution of some of the funds appropriated for Public Lands Highways

among the States on the basis of need. These amendments to title 23, U.S.C., significantly modify and clarify the eligibility criteria and selection process of the PLH discretionary program; as a result, the FHWA regulations concerning the PLH discretionary program have become obsolete. Consequently, in the interests of streamlining FHWA regulations and providing more flexibility in the administration of this program in accordance with the President's Regulatory Reinvention Initiative, the FHWA is eliminating these regulations. **EFFECTIVE DATE:** September 26, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Mohan P. Pillay, Office of Engineering, HNG-12, (202) 366-4655 or Mr. Wilbert Baccus, Office of the Chief Counsel, HCC-32, (202) 366-1397, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Through the PLH Discretionary Program, the FHWA administers the allocation of Federal funds in the manner authorized by § 202(b) of title 23 of the U.S.C. "among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations." Approximately \$50 million was made available to the States for the PLH Discretionary Program in FY 1996. The statute directs that 34 percent of the sums appropriated for public lands highways in a given fiscal year is to be allocated on the basis of need among qualifying States that apply for such funds through their State highway departments. 23 U.S.C. 202(b). The statute also provides that these PLH funds are available for any kind of transportation project eligible for assistance under title 23, U.S.C., that is within or adjacent to or provides access to public lands areas. 23 U.S.C. 204(b).

Although Congress did not direct that regulations be promulgated to implement the funding scheme established by this statute, the FHWA did promulgate regulations which outline the procedures for administering the PLH Discretionary Program. These regulations, for the most part, merely reiterate the application process and selection criteria outlined in the statute. For instance, the statute establishes that PLH discretionary funds are to be distributed on the basis of need among the States that apply through their State highway departments and that preference is to be given to those projects which are significantly impacted by Federal land and resource

management activities. Part 667 restates these provisions, but it also supplements the statutory provisions with overly detailed descriptions of factors to be considered in the selection process and of the steps taken in the application and selection procedure. In addition, part 667 restates some of the factors established in the statute as defining the eligibility of certain projects for these funds.

The eligibility criteria and selection process of the PLH discretionary program were modified and greatly clarified by amendments to title 23, U.S.C., that were enacted as part of the ISTEA (Pub. L. 102-240, 105 Stat. 1914). One change resulting from these amendments is that title 23, U.S.C., now provides a more detailed explanation of the kinds of projects which are eligible for PLH discretionary funds. The regulation delineating eligibility criteria in part 667 states that funds may be used for "engineering and construction of the mainline roadway including adjacent vehicular parking areas and construction elements related to scenic easements." (§ 667.7.) After the ISTEA amendments, title 23, U.S.C., now includes a provision entitled "Eligible Projects" which lists adjacent vehicular parking areas and acquisition of necessary scenic easements as two of seven types of projects qualifying for PLH funds.

These PLH regulations have also now become inconsistent with title 23, U.S.C., as a result of the ISTEA amendments. Section 667.7 of the regulations states that "funds may not be used for right-of-way costs, maintenance or other ancillaries such as sanitary, water and fire control facilities"; however, the list of eligible projects added to title 23, U.S.C., by the ISTEA includes, "construction and reconstruction of roadside rest areas including sanitary and water facilities." Thus, in general, the provisions regarding eligibility for PLH discretionary funds currently included in the FHWA regulations have become both outdated and unnecessary.

Amendments to title 23, U.S.C., added by the ISTEA also modify the selection process and the factors that will be taken into account in allocating PLH discretionary funds among the States. As a result of the ISTEA amendments, title 23, U.S.C., now states that preference will still be given to projects which are significantly impacted by Federal land and resource management activities, but now such preference will be given only if these projects are proposed by a State which contains at least 3 percent of the total public lands in the Nation. In light of this statutory

change, the regulations in part 667 have become outdated because they provide that all projects which significantly benefit or improve Federal land and resource management will be given preference.

Consequently, as this examination of part 667 reveals, these regulations concerning the PLH Discretionary Program are unnecessary and in many instances either straightforwardly redundant or outdated because they have become inconsistent with the authorizing statute. Therefore, the FHWA is eliminating part 667 as opposed to amending it to account for the changes brought about by the ISTEA amendments. Elimination of these regulations will provide more flexibility in administration of the PLH discretionary program. In addition, elimination of part 667 will have the effect of further streamlining FHWA regulations in accordance with the objectives of the President's Regulatory Reinvention Initiative.

Discussion of Comments

A notice of proposed rulemaking (NPRM) proposing the elimination of part 667 was published in the December 6, 1995, Federal Register at 60 FR 62359. Interested persons were invited to participate in this rulemaking by submitting written comments on the NPRM to Docket No. 95-28 on or before February 5, 1996. Comments were received from two State highway agencies and one Indian tribe. All comments received in response to the NPRM were considered during the drafting of this final rule eliminating the PLH Discretionary Program regulations.

One State had no comments concerning elimination of the existing regulation; however, two changes in the law were recommended. One such recommendation proposed a change to the provision in 23 U.S.C. 202(b) dealing with the preference in PLH discretionary allocations to projects in a State which contains at least 3 percent of the total public lands in the Nation. The commenting State recommended that the percentage of public lands required for giving preference in PLH discretionary allocation be reduced from 3 percent to 1.5 percent or deleted entirely. The State also recommended that the "Hold Harmless" clause in section 1015(a)(1) of the ISTEA not include apportionment adjustments tied to allocations made to States under the PLH Discretionary Program. Both of these recommendations require statutory amendments and are beyond the scope of a rulemaking action.

Two commenters suggested that the FHWA retain the project selection

criteria presented in 23 CFR 667.3 (c) and (d) as these criteria are valuable in determining appropriate projects to be selected for funding. For example, these criteria cover matters such as route continuity, capacity, and safety and benefits of projects to Federal lands and resource management. Although these criteria are not expressed in definitive terms of measurement and their application is subjective, the FHWA agrees that use of these criteria can produce information which is valuable for purposes of the selection process. It is noted that FHWA's annual solicitation for candidate projects which is publicized via a memorandum to the FHWA regional offices, requests information on most of these criteria as part of each State's proposal. The FHWA call for fiscal year (FY) 1997 PLH candidates contains these selection criteria. The elimination of part 667 will not impact FHWA's use of these selection criteria, and the FHWA fully intends to include them in future solicitations for candidate projects if this discretionary program is reauthorized after FY 1997.

One commenter recommended that the selection criteria, as previously discussed, also be applied to the non-discretionary portion of the PLH funding allocated to the States. The non-discretionary PLH funding (66 percent of PLH funds) is set aside by statute for Forest Highways and is distributed in accordance with a hybrid formula. Funds set aside for Forest Highways are not discretionary, and the selection criteria for PLH discretionary funds cannot be used to allocate the remaining 66 percent of the PLH funding.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review and DOT Regulatory Policies and Procedures)

The FHWA has considered the impact of this document and has determined that it is neither a significant rulemaking action within the meaning of Executive Order 12866 nor a significant rulemaking under the regulatory policies and procedures of the Department of Transportation. This rulemaking eliminates FHWA regulations regarding administration of the PLH Discretionary Program. These regulations have become outdated and are unnecessary in light of the fact that the statutory provisions authorizing allocation of these funds adequately delineate the procedures to be used and the factors to be considered in selecting the States that will receive funding. This rulemaking eliminating these obsolete regulations would not cause any

significant changes to the amount of funding available under the PLH Discretionary Program or to the process by which applicants are selected to receive funding. Thus, it is anticipated that the economic impact of this rulemaking will be minimal. In addition, it will not create a serious inconsistency with any other agency's action or materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs; nor will elimination of these regulations raise any novel legal or policy issues. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the FHWA has evaluated the effects of this rule on small entities and has determined that elimination of the FHWA regulations regarding administration of PLH discretionary funds will not have a significant economic impact on a substantial number of small entities. Elimination of these regulations will not affect the amount of funding available to the States through the PLH Discretionary Program or the procedures used to select the States eligible to receive these funds. Furthermore, States are not included in the definition of "small entity" set forth in 5 U.S.C. 601. Therefore, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not raise sufficient federalism implications to warrant the preparation of a federalism assessment. Elimination of these obsolete FHWA regulations concerning the PLH Discretionary Program would not preempt any State law or State regulation. No additional costs or burdens would be imposed on the States as a result of this action, and the States' ability to discharge traditional State governmental functions would not be affected by this rulemaking.

Executive Order 12372

Catalog of Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not create a collection of information requirement for the purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The FHWA has analyzed this rulemaking for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action would not have any effect on the quality of the environment. Therefore an environmental impact statement is not required.

Regulatory Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 667

Highways and roads, Public lands highway funds.

Issued on: August 20, 1996.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing and under the authority of 23 U.S.C. 202, 204, and 315, the FHWA removes and reserves part 667 of title 23, Code of Federal Regulations, as set forth below.

**PART 667—PUBLIC LANDS
HIGHWAYS FUNDS [REMOVED AND
RESERVED]**

1. Part 667 is removed and reserved.

[FR Doc. 96–21852 Filed 8–26–96; 8:45 am]

BILLING CODE 4910–22–P

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

24 CFR Part 291

[Docket No. FR–3814–N–03]

RIN 2502–AG42

**Office of the Assistant Secretary for
Housing—Federal Housing
Commissioner; Sale of HUD-Held
Single Family Mortgages; Notice of
Extension of Effective Period of Interim
Rule**

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule; Postponement of expiration date.

SUMMARY: On August 31, 1995, HUD published an interim rule to establish policies and procedures for the sale of HUD-held single family mortgages. The interim rule provided that its provisions would expire and not be in effect after September 30, 1996, unless prior to that date HUD publishes a document to extend the effective date. This document extends the effective period of the interim rule until HUD issues a final rule for the sale of HUD-held single family mortgages.

DATES: Effective August 27, 1996 the September 30, 1996 expiration date for the interim rule adding 24 CFR 291.300 through 291.307 (subpart D) is postponed until a final rule is published and made effective.

FOR FURTHER INFORMATION CONTACT: Joseph McCloskey, Director, Single Family Servicing Division, Office of Housing, Room 9178, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, D.C. 20410, telephone (202) 708–1672. (This telephone number is not toll-free.) Hearing- or speech-impaired individuals may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: HUD published an interim rule to establish policies and procedures for the sale of HUD-held single family mortgages on August 31, 1995 (60 FR 45331). (Note: HUD published a correction to this interim rule on October 6, 1995 (60 FR 52296).) The August 31, 1995 interim rule explained that HUD had adopted a policy of setting an expiration date for an interim rule so that the regulatory provisions would expire unless a final rule is published before that date (60 FR 45332). This “sunset” provision appears in § 291.300 of the interim rule, which provides that §§ 291.300 through 291.307 shall expire and shall not be in effect after September 30, 1996, unless prior to September 30, 1996 HUD publishes a final rule adopting the interim rule with or without changes, or publishes a notice in the Federal Register to extend the effective date of the interim rule.

The final rule for the sale of HUD-held single family mortgages is currently in its final stages of development, and HUD anticipates that it will publish the final rule in the fall of 1996. However, in order to prevent a period in which the single family mortgage sale program is without effective regulations, HUD is extending the effective period of the August 31,

1995 interim rule until the final rule is published and made effective.

Accordingly, the expiration date of the interim rule published in the Federal Register on August 31, 1995 (60 FR 45331) is postponed until a final rule is published and made effective.

Dated: August 20, 1996.

Nicolas P. Retsinas,

*Assistant Secretary for Housing—Federal
Housing Commissioner.*

[FR Doc. 96–21762 Filed 8–26–96; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

**Office of Surface Mining Reclamation
and Enforcement**

30 CFR Part 950

[SPATS No. WY–026]

Wyoming Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Wyoming regulatory program (hereinafter, the “Wyoming program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the revision of statutory provisions pertaining to research and development testing licenses for coal in situ processing operations. The amendment was intended to revise the Wyoming program to be consistent with SMCRA and the corresponding Federal regulations.

EFFECTIVE DATE: August 27, 1996.

FOR FURTHER INFORMATION CONTACT: Guy V. Padgett, Director, Casper Field Office, Telephone: (307) 261–5824, Internet address: GPADGETT@CWYGW.OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program

On November 26, 1980, the Secretary of the Interior conditionally approved the Wyoming program. General background information on the Wyoming program, including the Secretary’s findings, the disposition of comments, and the conditions of approval of the Wyoming program can be found in the November 26, 1980, Federal Register (45 FR 78637). Subsequent actions concerning Wyoming’s program and program