

Rules and Regulations

Federal Register

Vol. 61, No. 169

Thursday, August 29, 1996

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

7 CFR Part 3411

National Research Initiative Competitive Grants Program; Administrative Provisions; Nomenclature Changes

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Technical Amendment.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) is amending its administrative provisions to correct the cross-references to reflect the redesignation of a part within the Code of Federal Regulations.

EFFECTIVE DATE: August 29, 1996.

FOR FURTHER INFORMATION CONTACT:

Phillip A. Carter, Policy Advisor, STOP 2245, Washington, D.C. 20250-2245. Telephone: (202) 720-9181. E-mail: oep@reeusda.gov.

SUPPLEMENTARY INFORMATION:

On December 8, 1995, in 60 FR 63368-63370, CSREES published an amendment to redesignate 7 CFR part 3200 as part 3411. The amendatory language did not direct the Office of the Federal Register to change the cross-references.

Under the authority Sec. 2(i) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(i)), the cross-references in 7

CFR part 3411 are amended as indicated in the table below:

7 CFR cite	Remove	Add
3411.2(j)	3200.15	3411.15
3411.2(k)	3200.15	3411.15
3411.4(c)(2)(iii)	3200.15	3411.15
3411.4(c)(3)(iii)	3200.15	3411.15
3411.4(c)(8)	3200.4(b)	3411.4(b)
3411.4(c)(9)(i)	3200.4(b)	3411.4(b)
3411.4(c)(9)(ii)	3200.4(b)	3411.4(b)
3411.4(c)(9)(iii)	3200.4(b)	3411.4(b)
3411.4(c)(10)	3200.4(b)	3411.4(b)
3411.5(a)	3200.2(j), 3200.2(k), 3200.15, respectively.	3411.2(j), 3411.2(k), 3411.15, respectively
3411.5(b)	3200.7(c)	3411.7(c)
3411.7(c)	3200.5(b)	3411.5(b)
3411.10	3200.5, 3200.14, respec- tively.	3411.5, 3411.14, respec- tively
3411.15	3200.14, 3200.5(a), respec- tively.	3411.14, 3411.5(a), respec- tively

Done at Washington, D.C., this 22nd day of August, 1996.

B.H. Robinson,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 96-22033 Filed 8-28-96; 8:45 am]

BILLING CODE 3410-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 772

[FHWA Docket No. 96-26]

RIN 2125-AD97

Procedures for Abatement of Highway Traffic Noise and Construction Noise

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: This document revises the FHWA regulation that allows Federal participation for Type II noise abatement projects. Type II projects are proposed Federal or Federal-aid highway projects for noise abatement on an existing highway. This revision will make the regulation consistent with the National Highway System Designation Act of 1995 (NHS). This action will restrict Federal participation for Type II projects to those that were approved before the date of enactment of the NHS legislation or are proposed along lands that were developed or were under substantial construction before approval

of the acquisition of the rights-of-way for, or construction of, an existing highway.

DATES: This interim final rule is effective September 30, 1996. Written comments must be received on or before November 27, 1996.

ADDRESSES: Submit signed, written comments to FHWA Docket No. 96-26, Federal Highway Administration, Office of the Chief Counsel, Room 4232, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Armstrong, Office of Environment and Planning, (202) 366-2073 or Mr. Robert Black, Office of the Chief Counsel, (202) 366-1359, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

Type II projects are not mandatory requirements of 23 CFR Part 772, but are proposed solely at the option of a State highway agency. By the end of 1992, 17 States had constructed at least one Type II project.

The FHWA believes that highway traffic noise should be reduced through a program of shared responsibility and, thus, has encouraged State and local governments to practice noise compatible land use planning and control in the vicinity of highways. However, lands immediately adjacent to highways frequently have been developed without proper regard for traffic noise impacts. Later, State highway agencies have constructed Type II noise barriers to abate these impacts. Since 1976, the FHWA noise regulations have required local officials to take measures to exercise land use control over undeveloped lands adjacent to highways to prevent development of incompatible activities before FHWA funds could normally be used to abate noise impacts upon land uses which came into existence after May 14, 1976.

In the recently passed NHS legislation (Pub. L. 104-59, 109 Stat. 605), Congress limited Federal participation in Type II projects to those which were already approved or future projects where development occurred prior to the construction of an existing highway. Thus, the FHWA is amending Part 772

to be consistent with the NHS legislation.

Federal participation in noise abatement measures will only be approved for projects that were approved before November 28, 1995, the date of enactment of the NHS, or for projects that are proposed along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-way for, or construction of, an existing highway. Land development or substantial construction must have predated the existence of any highway. The granting of a building permit, filing of a plat plan, or a similar action must have occurred prior to right-of-way acquisition or construction approval for the original highway.

In addition, the amendment provides that Federal participation in Type II abatement will be prohibited for lands or activities where Type I abatement has been previously determined not to be reasonable and feasible. This makes explicit that which is implicit in the noise regulations. If a noise abatement project does not qualify as reasonable and feasible when proposed as a Type I project, it won't later qualify as reasonable and feasible when proposed as a Type II project.

Rulemaking Analyses and Notices

The FHWA has determined that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B) because this interim final rule incorporates into the regulations the language of the NHS statute. In addition, the FHWA has determined that prior notice and opportunity for comment are not required under the Department of Transportation's regulatory policies and procedures, as it is not anticipated that such action would result in the receipt of information that would substantially change the regulation, since the revised rule incorporates a legislative change.

Executive Order 12866 (Regulatory Planning and Review) and Department of Transportation Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the Department of Transportation Regulatory Policies and Procedures. The amendment clarifies some of the requirements for Federal participation in noise abatement projects for the 17 States that have constructed at least one Type II noise barrier. It is anticipated that the economic impact of the rulemaking will be minimal; 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. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. The amendment deals only with the eligibility of certain State highway noise abatement projects for Federal participation. As such, it affects only State highway agencies and not 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 have sufficient federalism implications to warrant the preparation of a federalism assessment. It does not impose any new obligation or requirement on a State. It does not affect the amount of Federal transportation funds that go to a State. A State is not required to have a Type II Noise Program. A State may still expend its own funds on a noise abatement project.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal 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 contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the environment.

Regulation 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 number 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 772

Highways and roads, Noise control.

Issued on: August 21, 1996.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA amends chapter I of title 23, Code of Federal Regulations, Part 772 as set forth below.

PART 772—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

1. The authority citation for Part 772 is revised to read as follows:

Authority: 23 U.S.C. 109(h), 109(i); 42 U.S.C. 4331, 4332; sec. 339(b), Pub. L. 104-59, 109 Stat. 568, 605; 49 CFR 1.48(b).

2. In § 772.13, paragraph (b) is revised to read as follows:

§ 772.13 Federal participation.

* * * * *

(b) For Type II projects, noise abatement measures will only be approved for projects that were approved before November 28, 1995, or are proposed along lands where land development or substantial construction predated the existence of any highway. The granting of a building permit, filing of a plat plan, or a similar action must have occurred prior to right-of-way acquisition or construction approval for the original highway. Noise abatement measures will not be approved at locations where such measures were previously determined not to be reasonable and feasible for a Type I project.

* * * * *

[FR Doc. 96-22059 Filed 8-28-96; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 586

[Docket No. FR-3820-I-05]

RIN 2506-AB72

Office of the Assistant Secretary for Community Planning and Development; Base Closure Community Redevelopment and Homeless Assistance

AGENCY: Office of the Assistant Secretary for Community Planning and Development (HUD).

ACTION: Interim rule.

SUMMARY: This interim rule removes 24 CFR 586.50, to extend until the effective date of a final rule the period that the interim rule for the Base Closure Community Redevelopment and Homeless Assistance Program will be in effect.

DATES: Effective Date: September 30, 1996.

FOR FURTHER INFORMATION CONTACT:

Perry Vietti, Office of Community Viability, Office of the Assistant Secretary for Community Planning and Development, Room 7220, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, (202) 708-2186, ext. 4396, or, TTY number for hearing and speech-impaired, (202) 708-0738 (these telephone numbers are not toll-free).

SUPPLEMENTARY INFORMATION: Section 586.50 was added to implement a Department-wide policy for the expiration of interim rules within a set period of time if they are not issued in final form before the end of the period. The rule provides that the effective period of the interim rule may be extended by notice published in the Federal Register. Because the expiration date for the Base Closure Community Redevelopment and Homeless Assistance Program interim rule is currently September 17, 1996, and a final rule is not expected to be effective before that date, such a notice has been published extending the effective period of the interim rule until the final rule is published and made effective. This rule makes the conforming change to § 586.50.

II. Other Matters

Impact on the Environment

For the interim rule published for this part, HUD made a Finding of No Significant Impact with respect to the environment in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The changes made by this rule do not substantively affect the Finding of No Significant Impact prepared for the interim rule, and it remains applicable. That Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule would not have a significant economic impact on a substantial number of small entities. This rule only eliminates a sunset provision and keeps the interim rule in effect until the publication of a final rule.

Federalism Impact

The General Counsel of HUD, as the Designated Official under Executive Order 12612, Federalism, has determined that the policies contained in this rule would not have any impact under the Order. This rule only eliminates a sunset provision and keeps the interim rule in effect until the publication of a final rule.

Impact on the Family

The General Counsel of HUD, as the Designated Official under Executive Order 12606, The Family, has determined that this interim rule would not have an impact on family formation, maintenance, and general well-being. This rule only eliminates a sunset provision and keeps the interim rule in effect until the publication of a final rule.

List of Subjects in 24 CFR Part 586

Homeless, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, part 586 of title 24 of the Code of Federal Regulations is amended to read as follows:

PART 586—BASE CLOSURE COMMUNITY REDEVELOPMENT AND HOMELESS ASSISTANCE

1. The authority citation for part 586 continues to read as follows:

Authority: 10 U.S.C. 2687 note; 42 U.S.C. 3535(d).

§ 586.50 [Removed]

2. Section 586.50 is removed.

Dated: August 21, 1996.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 96-22023 Filed 8-28-96; 8:45 am]

BILLING CODE 4210-29-P