

Dated: September 23, 1996.

John F. Martonik,

*Deputy Director, Directorate of Health  
Standards Programs.*

[FR Doc. 96-25091 Filed 9-30-96; 8:45 am]

BILLING CODE 4510-26-M

## NATIONAL COUNCIL ON DISABILITY

### Sunshine Act Meeting

**TYPE:** Quarterly Meeting.

**AGENCY:** National Council on Disability.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of the forthcoming quarterly meeting of the National Council on Disability. Notice of this meeting is required under Section 522b(e)(1) of the Government in the Sunshine Act, (Pub. L. 94-409).

**DATES:** November 18-20, 1996, 8:30 a.m. to 5:00 p.m.

**LOCATION:** Hyatt Regency Phoenix, At Civic Plaza, 122 North Second Street, Phoenix, Arizona; 602-252-1234.

**FOR INFORMATION CONTACT:** Mark S. Quigley, Public Affairs Specialist, National Council on Disability, 1331 F. Street NW., Suite 1050, Washington, DC 20004-1107; (202) 272-2004 (Voice), (202) 272-2074 (TT), (202) 272-2022 (Fax); mquigley@ncd.gov (e-mail).

**AGENCY MISSION:** The National Council on Disability is an independent Federal agency comprised of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature or severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

**ACCOMMODATIONS:** Those needing interpreters or other accommodations should notify the National Council on Disability prior to this meeting.

**ENVIRONMENTAL ILLNESS:** People with environmental illness must reduce their exposure to volatile chemical substances in order to attend this meeting. In order to reduce such exposure, we ask that you not wear perfumes or scents at the meeting. We also ask that you smoke only in designated areas and the privacy of your room. Smoking is prohibited in the meeting room and surrounding area.

**OPEN MEETING:** This quarterly meeting of the National Council on Disability shall be open to the public.

**AGENDA:** The proposed agenda includes:

Reports from the Chairperson and the Executive Director  
Committee Meeting and Committee Reports  
Strategic Planning  
Unfinished Business  
New Business  
Announcements  
Adjournment

Records shall be kept of all National Council on Disability proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on September 27, 1996.

Ethel D. Briggs,

*Executive Director.*

[FR Doc. 96-25263 Filed 9-27-96; 3:05 pm]

BILLING CODE 6820-BS-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Process for Reconsideration of Declined General Applications for Federal Assistance

**AGENCY:** National Endowment for the Arts.

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Arts has been restructured. The Notices of Process for Reconsideration of Declined General Applications published on January 14, 1992 and March 29, 1993, are amended herein to reflect the agency's new structure, including new office and division names.

**FOR FURTHER INFORMATION CONTACT:** Karen K. Christensen, General Counsel (202) 682-5418, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 518, Washington, DC 20506.

#### 1. Purpose

The processes by which the National Endowment for the Arts (the "Endowment") offers financial and technical assistance have been designed to result in supporting projects of artistic excellence and merit. The Endowment relies on discipline review and advisory panel review of grant applications to assure that projects are of substantial artistic and cultural significance. Panel recommendations are subsequently reviewed by the National Council on the Arts, which provides advice to the Endowment's chairperson who then decides whether to approve the applications recommended by the Council.

This Circular modifies the procedure for reconsideration of applications for

financial and technical assistance which have been declined by the National Endowment for the Arts based on negative recommendations of the advisory panel. This procedure does not include reconsideration of grant amounts once a grant is awarded. This process does not apply to applications recommended by the advisory panel but rejected by the Council or Chairperson. Reconsideration of such applications is had at the discretion of the Chairperson only. These revisions are being made in light of a major restructuring of the Endowment and its grant making process. The provisions of this Circular, which updates and amends the earlier Circulars on this subject, dated December 16, 1992 and March 29, 1983, do not apply to procurement governed by the Federal Acquisition Regulations. These provisions will apply to all requests for reconsideration filed after October 1, 1996.

#### 2. Policy

(a) Statement. Award of financial and technical assistance is discretionary. Discipline and panel recommendations are made using criteria described in the Endowment guidelines. Criteria that involve subjective, qualitative judgments are not subject to reconsideration. Notwithstanding this fact, a Project Director, Authorizing Official, or individual whose application has been declined (hereafter referred to as "applicant") may obtain an explanation of the declination from the appropriate Endowment Discipline Director (hereafter referred to as "Director"). Following receipt of the explanation, if the applicant believes that the declination was based on one or more of the following Grounds for Reconsideration, reconsideration may be obtained under the procedure outlined in Section 3, below.

(b) Ground(s) for Reconsideration. Reconsideration of application declinations is available solely for one or more of the following three reasons relating to procedural impropriety or error:

(i) Discipline reviewers or advisory panel considered criteria other than those appearing in the relevant guidelines.

(ii) Individual(s) with conflict of interest served as a discipline reviewer or on the advisory panel.

(iii) Information relevant to the deliberations was provided by staff, reviewers, panelists, or others, but not including the applicant, which was inaccurate or incomplete, despite the fact that the applicant provided the Endowment staff with accurate and

complete information as part of the regular application process.

### 3. Procedure To Be Followed for Reconsideration

(a) Explanation by Director. Within 30 days following written notification from the Endowment of its decision on any application, the applicant may request an explanation for a declined application from the appropriate Director. This initial request may be by telephone, in person or in writing. The Director will explain within 30 days following the applicant's request the basis for declination which may include a summary of the discipline review, advisory panel comments, applicable on-site evaluation reports, the names of all discipline reviewers, panel and staff members, and other information not otherwise exempt from disclosure requested by the applicant. If the Director cannot provide such explanation within 30 days, the applicant will receive a written explanation of the need for more time and an estimate of when the results can be expected.

The Director may designate another Endowment official to provide the explanation for the declination to the applicant. The term "Director" as used here applies to such designees.

(b) Request for Reconsideration. If the Director's explanation appears to the applicant to indicate the presence of one or more of the "Grounds for Reconsideration" listed in paragraph 2(b) above, the applicant may submit to the Deputy Chairperson for Grants and Partnership (hereafter referred to as "the Deputy") a written Request for Reconsideration. This written request must reference the particular ground(s) for reconsideration and specify the facts supporting his or her claim, with enough particularity to enable the Deputy to determine whether the claim is meritorious. A request of this nature will be considered only if (a) the Request for Reconsideration is based on one or more of the grounds listed in paragraph 2(b); (b) the applicant has obtained an explanation from the appropriate Director, (c) the applicant has specified with sufficient particularity the facts supporting his or her claim; and (d) the Request for Reconsideration is received by the Deputy within 30 days after the date of the Director's explanation.

(c) Action by the Deputy.

(i) The Deputy will review the applicant's Request for Reconsideration, records of the discipline review and panel discussions, the applicant's application file, and any other relevant materials to determine if the

recommendations were influenced by one or more of the grounds listed in paragraph 2(b). In conducting this review, the Deputy may request additional information from the applicant, obtain advice from an advisory panel, or conduct additional investigation or review. However, no revisions or additions to the grant application materials will be accepted in connection with the Request for Reconsideration except to the extent that additional materials are necessary to substantiate the applicant's claim that one or more of the grounds listed in paragraph 2(b) exists.

(ii) The Deputy may conduct the reconsideration personally or may designate another Endowment official who had no part in the initial evaluation to do so. The term "the Deputy", as used here, applies to such designees.

(iii) The Deputy will provide written notification of the results of the reconsideration within 45 days following receipt of the Request for Reconsideration. If the Deputy cannot provide such notice within 45 days, the applicant will receive a written explanation of the need for more time and an estimate of when the results can be expected.

(d) Resolution of Requests for Reconsideration. Reconsideration is not an adversarial process and a formal hearing is not provided. The Endowment cannot assure applicants that reconsideration will result in the award of a grant even if error is established in connection with the initial evaluation. The Deputy shall make one of the following four determinations. The determinations of the Deputy shall be in writing and shall be final.

(i) If the Deputy determines that none of the grounds listed in paragraph 2(b) existed, the declination will be affirmed.

(ii) If the Deputy determines that one or more of the grounds listed in paragraph 2(b) existed, but the recommendation of the advisory panel was not affected materially, the declination will be affirmed.

(iii) If the Deputy determines that one or more of the grounds listed in 2(b) existed, and he or she can determine, based on the materials reviewed, that but for the infirmity in the review process, the application would have been recommended, the application will be considered by the National Council on the Arts at its next regularly scheduled meeting. The Chairperson of the Endowment then will decide whether to approve applications recommended by the Council.

(iv) If the Deputy determines that one or more of the grounds listed in

paragraph 2(b) occurred, but he or she cannot determine whether, but for the infirmity, the advisory panel would have recommended that application, the application will be reviewed by a panel. If the panel recommends the application for support, the National Council on the Arts will review it at the next regularly scheduled meeting. The Chairperson of the Endowment then will decide whether to approve applications recommended by the Council.

### 4. Reporting Requirements

The Deputy will maintain a record of Requests for Reconsideration in accordance with the Endowment's Records Disposition schedule. The record will include the date of receipt, the name of the applicant, including name of organization or institution where applicable, the application number, the determinations of the Deputy, and once the Deputy's review is complete, the date on which each applicant was notified of the results of the reconsideration, and what those results were.

Dated: September 23, 1996.

Karen Christensen,  
*General Counsel, National Endowment for the Arts.*

[FR Doc. 96-25075 Filed 9-30-96; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** U. S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: Billing Instructions for NRC Cost Type Contracts.

2. Current OMB approval number: (3150-0109).

3. How often the collection is required: Monthly.

4. Who is required or asked to report: NRC Contractors.

5. The number of annual respondents: 106.