

(1) Whether the applicant proposes using tribal resources in the project.

(2) Whether the appropriate tribal governing body supports the proposal plan, as evidenced by a tribal resolution or otherwise.

(3) Whether the community supports the proposal plan, as evidenced by letters or otherwise.

(d) Factor No. 4—Past performance (+ or – 10 points available). In awarding points under this factor, BIA will take into account the following:

(1) Financial and programmatic reporting requirements.

(2) Project accomplishments.

§ 181.06 How are applicants informed of the results?

BIA will send a letter to all applicants notifying them of their selection or non-selection for participation in the Indian Highway Safety Program for the upcoming fiscal year. BIA will explain to each applicant not selected for participation the reason(s) for non-selection.

§ 181.07 Appeals.

You may appeal actions taken by BIA officials under this part by following the procedures in 25 CFR part 2.

Dated: May 6, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-12935 Filed 5-15-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300486A; FRL-5719-2]

RIN AC18

Bromoxynil; Pesticide Tolerances; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: Notice is hereby given that the period for filing public comment on the proposed tolerances for bromoxynil and its metabolite DBHA on cotton commodities, and for bromoxynil on animal commodities is extended.

DATES: Public comments must be received on or before May 26, 1997.

ADDRESSES: By mail, submit written comments to: Public Information and Records Integrity Branch, Information and Resources Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring

comments to Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under Unit II. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: By mail: Jim Tompkins, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305-5697; e-mail: tompkins.jim@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the *Federal Register* of May 2, 1997 (62 FR 24065) (FRL-5617-5), EPA issued a Notice of Proposed Rulemaking for establishment of tolerances for residues of the herbicide bromoxynil and its metabolite DBHA on cotton commodities; for establishment of tolerances for residues of bromoxynil on poultry commodities (including eggs); and for revision of tolerances for residues of bromoxynil on other meat commodities and milk. Written comments on the proposed rule were to be received on or before May 19, 1997. On May 6, 1997, the Union of Concerned Scientists and the Environmental Defense Fund requested that EPA extend this comment period from 17 to 60 days.

Under section 408(e) of the FFDCA, EPA is required to provide a 60-day comment period on proposed rules unless EPA finds for good cause that it would be in the public interest to provide a shorter period. EPA shortened the comment period on the bromoxynil tolerances to 17 days based on the fact that previous notice had been provided on the central issue of establishing a tolerance permitting use of bromoxynil on cotton, and cotton growers faced a potential hardship if a decision is not made expeditiously.

In their request for an extension of the comment period, the Union of Concerned Scientists and the Environmental Defense Fund cited a number of health issues and questions regarding interpretation of the FFDCA safety standard. EPA does not believe these groups have shown that it is not in the public interest to shorten the comment period. EPA also does not think that the groups have demonstrated that the comment period is inadequate to address the issues they have raised.

Nonetheless, EPA will extend the comment period for an additional 7 days. Comments will now be due on or before May 26, 1997.

II. Public Docket

The official record for the proposed rule, as well as the public version, has been established for the proposal under docket control number "OPP-300486" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in Wordperfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPP-300486. Electronic comments on the proposed rule may be filed online at many Federal Depository Libraries.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additive, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 12, 1997.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 97-13047 Filed 5-15-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 36)]

Rail General Exemption Authority—Exemption of Nonferrous Recyclables and Railroad Rates on Recyclable Commodities

AGENCY: Surface Transportation Board, Transportation.

ACTION: Proposed rule, withdrawal.

SUMMARY: The Surface Transportation Board is discontinuing the rulemaking in Ex Parte No. 346 (Sub-No. 36).

DATES: This withdrawal is made on May 5, 1997.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking (NPR) in this proceeding served on August 23, 1994, and published in the **Federal Register** on August 24, 1994 (59 FR 43529), the Interstate Commerce Commission (ICC) solicited comments on a proposal to exempt partially from regulation the rail transportation of 28 nonferrous recyclable commodities. After the issuance of the NPR, the ICC Termination Act of 1995 (ICCTA), Pub. L. No. 104-88, 109 Stat. 803 was enacted. The ICCTA significantly changed the basis for the NPR by eliminating former 49 U.S.C. 10731(e). Consequently, in *Rail General Exemption Authority—Nonferrous Recyclables*, STB Ex Parte No. 561 (published elsewhere in this section of the **Federal Register**), we are issuing a new NPR proposing a total exemption from regulation for 29 nonferrous recyclable commodities. Because we will consider a broader exemption in STB Ex Parte No. 561, we are discontinuing this proceeding. The comments previously filed in response to the NPR will be made part of the record in STB Ex Parte No. 561 and need not be refiled.

Decided: April 24, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 97-12949 Filed 5-15-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1039

[STB Ex Parte No. 561]

Rail General Exemption Authority—Nonferrous Recyclables

AGENCY: Surface Transportation Board, Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission (ICC) issued a notice of proposed rulemaking (NPR) in Ex Parte No. 346 (Sub-No. 36) on August 23, 1994, published in the **Federal Register** on August 24, 1994, to consider whether to exempt partially from regulation the rail transportation of certain nonferrous recyclables. The ICC Termination Act of 1995 significantly changed the basis for that notice. Consequently, we are issuing a new NPR proposing a total exemption from regulation for 29 nonferrous recyclable commodities. We are also announcing a policy for the interim to govern the 11 nonferrous recyclable commodities that were previously partially exempted. Finally, in a separate decision served today, Ex Parte No. 346 (Sub-No. 36) is being discontinued.

DATES: Persons interested in participating in this proceeding as a party of record by filing and receiving written comments must file a notice of intent to participate by May 26, 1997. We will issue a service list of the parties of record shortly thereafter. Comments and replies must be served on all parties of record. Comments are due on June 30, 1997 and replies are due on July 15, 1997.

ADDRESSES: Send an original plus 10 copies of notices of intent to participate and pleadings referring to STB Ex Parte No. 561 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: The Board's decision proposing these regulations is available to all persons for a charge by phoning DC NEWS & DATA, INC., at (202) 289-4357.

Environmental and Energy Considerations

We preliminarily conclude that, if an exemption is granted, it will not significantly affect either the quality of the human environment or the conservation of energy resources. We invite comments in this area.

Initial Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), the Board preliminarily concludes that an exemption would not have a significant economic impact on a substantial number of small entities. No new regulatory requirements would be imposed, directly or indirectly, on such entities. The impact, if any, would be to reduce the amount of paperwork and regulation. If an exemption were granted, it would be based partly on a finding that regulation of this transportation is not necessary to protect shippers (including small shippers) from abuse of market power. See 49 U.S.C. 10502. Such a finding, if made, would indicate that a substantial number of small entities would not be significantly affected. We invite comments in this area.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

Decided: April 24, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, Part 1039 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for Part 1039 continues to read as follows:

Authority: 5 U.S.C. 553; and 49 U.S.C. 10502 and 13301.

2. In § 1039.11, paragraph (a) is proposed to be amended by adding the following entries in numerical order to the table and by revising the first sentence to the undesignated text following the table to read as follows:

§ 1039.11 Miscellaneous commodities exemptions.

(a) * * *

STCC No.	STCC tariff	Commodity
20511	6001-X, eff .. 1-1-96.	Bread or other bakery products exc. biscuits, crackers, pretzels or other dry bakery products See 20521-20529.
22941do	Textile waste, garnetted, processed, or recovered or recovered fibres or flock exc. packing or wiping cloths or rags. See 22994.