

Sunshine Act Meetings

Federal Register

Vol. 55, No. 244

Wednesday, December 19, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

MEETING NOTICE

TIME AND DATE: 8:00 a.m., January 7, 1991.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20814-4799.

STATUS: Open—under "Government in the Sunshine Act" (5 U.S.C. 552b(e)(3)).

MATTERS TO BE CONSIDERED: 8:00 a.m., Meeting—Board of Regents.

Reconstitution of Board Procedures and Organization—New Business.

CONTACT PERSON FOR MORE

INFORMATION: Charles R. Mannix, Executive Secretary of the Board of Regents, 301/295-3028.

Dated: December 14, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-29819 Filed 12-17-90; 1:55 pm]

BILLING CODE 3810-01-M

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Meeting Notice

TIME AND DATE: Subcommittee meetings 8:00 a.m., February 11, 1991, Full Board 10:00 a.m., February 11, 1991.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20814-4799.

STATUS: Open—under "Government in the Sunshine Act" (5 U.S.C. 552b(e)(3)).

MATTERS TO BE CONSIDERED:

8:00 a.m., Subcommittee Meetings—Reports on Planning and Oversight

10:00 a.m., Meeting—Board of Regents

(1) Approval of Minutes—October 29, 1990 and January 1, 1991; (2) Faculty Matters; (3) Report—Admissions; (4) Financial Report; (5) Report—Dean, Military Medicine Education Institute; (6) Report—Oversight and Planning Committees; (7) Report—Deputy Dean, USUHS; (8) Comments—Members, Board of Regents; (9) Comments—Chairman, Board of Regents—New Business

CONTACT PERSON FOR MORE

INFORMATION: Charles R. Mannix, Executive Secretary of the Board of Regents, 301/295-3028.

Dated: December 14, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-29820 Filed 12-17-90; 1:55 pm]

BILLING CODE 3810-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 6:05 p.m. on Thursday, December 13, 1990, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to certain financial institutions.

In calling the meeting, the Board determined, on motion of Director C.C. Hope Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Director L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation;

and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), (c)(9)(A)(i), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(8), (c)(9)(A)(i), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: December 14, 1990.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 90-29783 Filed 12-17-90; 11:56 am]

BILLING CODE 6714-01-M

NATIONAL MEDIATION BOARD

Meeting

TIME AND DATE: 2:00 p.m., Wednesday, January 9, 1991.

PLACE: Board Hearing Room, 8th Floor, 1425 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of December, 1990.
2. Other priority matters which may come before the Board which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. William A. Gill, Jr., Executive Director, Tel: (202) 523-5920.

Date of Notice: December 14, 1990.

William A. Gill, Jr.,

Executive Director, National Mediation Board.

[FR Doc. 90-29763 Filed 12-17-90; 11:19 am]

BILLING CODE 7550-01-M

Corrections

Federal Register

Vol. 55, No. 244

Wednesday, December 19, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 433

[Amdt. No. 3; Doc. No. 7889S]

Dry Bean Crop Insurance Regulations

Correction

In rule document 90-28904 beginning on page 50815 in the issue of Tuesday, December 11, 1990, in the second column, under **EFFECTIVE DATE**, "January 10, 1990" should read "January 10, 1991".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 669

[Docket No. 900786-0263]

RIN 0648-AD47

Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands

Correction

In rule document 90-25995 beginning on page 46214 in the issue of Friday, November 2, 1990, make the following corrections:

§ 669.21 [Corrected]

1. On page 46216, in the second column in the table in § 669.21, the last entry was omitted and, the point, latitude, and longitude should read, "A 18° 13.2'N. 65° 06.0'W." respectively.

§ 669.23 [Corrected]

2. On the same page, in the third column, in § 669.23(b), in the fourth line "EEA" should read "EEZ".

BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

[Federal Acquisition Circular 84-60]

RIN 9000-AD01

Federal Acquisition Regulation (FAR); Procurement Integrity

Correction

In rule document 90-21008 beginning on page 36782 in the issue of Thursday, September 6, 1990, make the following correction:

§ 52.203-8 [Corrected]

On page 36796, in § 52.203-8, in paragraph (b)(1) of the provision, in the middle column, in the fifth line, "subsection 27(a), (d), or (f)" should read "subsection 27(a), (b), (d), or (f)".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 433, 435, 436, 440, and 447

[MB-014-F]

RIN 0938-AD16

Medicaid Program; Eligibility Groups, Coverage and Conditions of Eligibility; Legislative Changes Under OBRA '87, COBRA, and TEFRA

Correction

In rule document 90-27393 beginning on page 48601 in the issue of Wednesday, November 21, 1990, make the following corrections:

1. On page 48602, in the third column, in the third paragraph, in the fourth line, "30" should read "20".

2. On page 48604, in the third column, in the first line, "SSI" should read "SSP".

3. On page 48606, in the first column, the ninth line should read "42 CFR Part 440".

§ 433.137 [Corrected]

4. In the same column, under § 433.137, in paragraph (b)(1), in the fifth line, "of" should read "or".

§ 436.604 [Corrected]

5. On page 48610, in § 436.604(c), in the third column, in the last line, "are" should be "is".

§ 447.53 [Corrected]

6. On page 48611, in § 447.53(b)(2), in the third column, in the ninth line, after "care" add a comma.

BILLING CODE 1505-01-D

Feed the People

**Wednesday
December 19, 1990**

Part II

Department of Agriculture

Cooperative State Research Service

**Special Research Grants Program for
Fiscal Year 1991; Solicitation of
Applications**

DEPARTMENT OF AGRICULTURE**Cooperative State Research Service****Special Research Grants Program for Fiscal Year 1991; Solicitation of Applications**

Applications are invited for competitive grant awards under the Special Research Grants Program for fiscal year 1991.

The authority for this program is contained in section 2(c)(1)(A) of the Act of August 4, 1965, Public Law No. 89-106, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, Public Law No. 101-624 (7 U.S.C. 450i). This program is administered by the Cooperative State Research Service (CSRS) of the U.S. Department of Agriculture (USDA). Under this program, and subject to the availability of funds, the Secretary may award grants for periods not to exceed five years, for the support of research projects to further the program discussed below. Proposals may be submitted by State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals. Proposals from scientists at non-United States organizations will not be considered for support.

Applicable Regulations

Regulations applicable to this program include the following: (a) The Administrative Provisions governing the Special Research Grants Program, 7 CFR part 3400 (50 FR 5498, February 8, 1985), as amended (53 FR 49640, December 8, 1988) which sets forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects; (b) the USDA Uniform Federal Assistance Regulations, 7 CFR part 3015; (c) the Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), 7 CFR part 3017, as amended; and (d) New Restrictions on Lobbying, 7 CFR part 3018.

Introduction to Program Description

Standard grants will be awarded to support basic studies in selected areas of aquaculture research. Consideration will be given to proposals that address innovative as well as fundamental approaches to the research areas

outlined below and that are consistent with the mission of USDA. The following specific program area, its subareas and guidelines are thus provided as a base from which proposals may be developed:

Program Area**1.0 Aquaculture Research****1.1 Disease and Parasite Control.**

- (1) Infectious and noninfectious diseases.
- (2) Parasitic diseases.

1.2 Integrated Aquatic Animal Health Management.

CSRS Contact: Dr. Meryl Broussard; Telephone: (202) 401-4061

Funds will be awarded to support research seeking solutions to health problems of major aquacultural species. A total of approximately \$300,000 will be available for this program area for fiscal year 1991. Please note that section 639 of the FY 91 Appropriations Act (Pub. L. No. 101-506) states:

None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 percent of total direct costs under each award.

Up to \$80,000 will be awarded for the support of any one project under this program area. Investigators and co-investigators who have received Special Research Grant awards in the Animal Health or Aquaculture area during the past five years must include a brief summary of progress and a list of publications resulting from such grants.

The objective of this research area is to enhance the knowledge and technology base necessary for the continued growth of the domestic aquaculture industry as a form of production agriculture. Emphasis is placed on research leading to improved production efficiency and increased competitiveness of private sector aquaculture in the United States. Because of the limited funds for this program area, only proposals focused on commercially important aquacultural species in the specific subareas of Disease and Parasite Control (1.1) and Integrated Aquatic Animal Health Management (1.2) will be considered.

The specific objective of this research is to develop and/or refine methodologies for reducing losses of major aquacultural species due to infectious and noninfectious diseases, internal and external parasites, and the effects of the production environment.

Research Should Be Directed Toward:**1.1 Disease and Parasite Control.**

Basic studies to clarify high-priority infectious and noninfectious diseases and parasites and their interactive effects on aquatic animal health;

development of improved methods of detecting disease agents or antibodies in aquatic animals; clarification of disease pathogenesis; determination of methods of disease transmission; development of improved methods of immunization against disease agents that will provide solid and persistent protection without compromising diagnosis; development of alternative disease eradication methods so as to limit the use and dependence on biotoxic substances; development of other disease prevention, control and eradication technology; and epidemiology and the evaluation of the economics of disease and disease prevention or control.

1.2 Integrated Aquatic Animal Health Management. Interdisciplinary studies aimed at reducing acute and chronic losses related to aquatic animal health in aquacultural production systems through an integrated holistic approach including studies in the following areas; physiological stress related to the quality of the aquatic production system; genetic, environmental and nutritional components of aquatic health management.

Utilizing the recommendations of the peer panels, the Administrator of CSRS will make the final determination on specific grants to be awarded.

How To Obtain Application Materials

Copies of this solicitation, the Grant Application Kit, and the Administrative Provisions governing this program, 7 CFR part 3400 (50 FR 5498, February 8, 1985), as amended (53 FR 49640, December 8, 1988), may be obtained by writing to the address or calling the telephone number which follows:

Proposal Services Branch, Awards Management Division, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 303, Aerospace Center, Washington, DC 20250-2200, Telephone: (202) 401-5048.

What To Submit

An original and nine copies of each proposal submitted are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made.

Each copy of each proposal must include a Form CSRS-661, "Grant Application." Proposers should note that one copy of this form, preferably the original, must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative. (Form

CSRS-661 and the other required forms and certifications are contained in the Grant Application Kit.) It should be noted that the November 1990 version of the Grant Application Kit must be used, as previous versions are obsolete.

Members of review committees and the staff expect each project description to be complete in itself. Grant proposals must be limited to 15 pages (single-spaced) exclusive of required forms, the summary of progress for any prior Animal Health and Aquaculture Special Research grants, bibliography, and vitae of the principal investigator(s), senior associate(s) and other professional personnel. Reduction by photocopying or other means for the purpose of meeting the 15-page limit is not permitted. Attachment of appendices is discouraged and should be included only if pertinent to understanding the proposal. Reviewers are not required to read beyond the 15-page maximum to evaluate the proposal.

All copies of a proposal must be mailed in one package and each copy must be stapled securely in the upper left-hand corner. Do not Bind. Information should be typed on one side of the page only. Every effort should be made to ensure that the proposal contains all pertinent information when initially submitted. Prior to mailing, compare your proposal with the

guidelines contained in the Administrative Provisions which govern the Special Research Grants Program, 7 CFR part 3400, as amended.

Where and When To Submit Grant Applications

Each research grant application must be submitted by the date set forth below to:

Proposal Services Branch, Awards Management Division, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 303, Aerospace Center, Washington, DC 20250-2200.

Please Note: Hand delivered proposals or those delivered by overnight express service should be brought to: Room 303, Aerospace Center, 901 D Street SW., Washington, DC 20024.

To be considered for funding during fiscal year 1991, proposals must be postmarked by February 25, 1991, for the Aquaculture Research Program area.

One copy of each proposal not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Special Instructions

On Form CSRS-661 provided in the Grant Application Kit, the Special Research Grants Program should be

indicated in Block 7, and "Aquaculture Research 1.0" should be indicated in Block 8.

Supplementary Information

The Special Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.200. For reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524-0022.

The award of any grants under the Special Research Grants Program during Fiscal Year 1991 is subject to the availability of funds.

Done at Washington, DC, this 13th day of December 1990.

Clare I. Harris,

Associate Administrator, Cooperative State Research Service.

[FR Doc. 90-29620 Filed 12-18-90; 8:45 am]

BILLING CODE 3410-22-M

செந்தமிழ்

Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs; Final Rule

ACTION

Environmental Protection Agency
International Development Cooperation Agency
Agency for International Development
National Aeronautics and Space Administration
National Foundation on the Arts and the Humanities
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Nuclear Regulatory Commission
Small Business Administration

DEPARTMENT OF AGRICULTURE

7 CFR Part 15b

NUCLEAR REGULATORY COMMISSION

10 CFR Part 4

DEPARTMENT OF ENERGY

10 CFR Part 1040

SMALL BUSINESS ADMINISTRATION

13 CFR Part 113

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1251

DEPARTMENT OF STATE

22 CFR Part 142

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 217

DEPARTMENT OF EDUCATION

34 CFR Part 104

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 18

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 84

NATIONAL SCIENCE FOUNDATION

45 CFR Part 605

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Part 1151

National Endowment for the Humanities

45 CFR Part 1170

ACTION

45 CFR Part 1232

Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs

AGENCIES: ACTION, Departments of Agriculture, Education, Energy, Health and Human Services, State, and Veterans Affairs; Environmental Protection Agency, International Development Cooperation Agency, National Aeronautics and Space Administration, National Foundation on the Arts and the Humanities, National Endowment for the Arts and National Endowment for the Humanities, National Science Foundation, Nuclear Regulatory Commission, Small Business Administration.

ACTION: Final rule.

SUMMARY: This common rule amends the regulations issued by the agencies listed above for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, governmentwide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations of more than one Federal agency.

EFFECTIVE DATE: January 18, 1991.

ADDRESSES: Copies of this final regulation are available on tape for persons with impaired vision. They may be obtained from the Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, DC 20530; (202) 724-2222 (voice) or 724-7678 (TDD).

FOR FURTHER INFORMATION CONTACT: See individual agencies below.

SUPPLEMENTARY INFORMATION: On March 8, 1989 (54 FR 9966), fifteen agencies jointly published a Notice of Proposed Rulemaking (NPRM) that would amend their existing regulations for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to UFAS. The agencies received several comments from States, architects, interest groups, and individuals.

Virtually all commenters supported the governmentwide reference to UFAS for new construction and alterations subject to section 504. As the New York State Office of Advocate for the Disabled put it, the use of UFAS by all the Federal funding agencies "will greatly help to reduce confusion for architects, developers and building officials."

The Federal agencies individually analyzed the comments. On the basis of their analysis, they decided to adopt the common rule. They, therefore, are able to publish it jointly, and are doing so in order to minimize costs and expedite its issuance. The rule adopted by each agency will be codified in that agency's portion of the Code of Federal Regulations, as indicated in the information provided for the individual agencies below.

Background

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), provides in part that:

No otherwise qualified individual with handicaps in the United States * * * shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance * * *.

The above listed agencies' existing section 504 regulations for federally assisted programs or activities require that new construction be designed and built to be accessible and that alterations of facilities be made in an accessible manner. Except as otherwise noted in the additional supplementary information, the regulations state that new construction or alteration accomplished in accordance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" published by the American National Standards Institute, Inc. (ANSI A117.1-1961 (R1971) (ANSI)) meets the requirements of section 504. Three agencies (the Department of Agriculture, the Environmental Protection Agency, and the Small Business Administration) reference the 1980 edition, ANSI A117.1-1980. The revision set forth in this document will reference UFAS in place of the current standard.

On August 7, 1984, UFAS was issued by the four agencies establishing standards under the Architectural Barriers Act (49 FR 31528 [see discussion *infra*]). The Department of Justice (DOJ), as the agency responsible under Executive Order 12250 for coordinating the enforcement of section 504, has recommended that agencies

amend their section 504 regulations for federally assisted programs or activities to establish that, with respect to new construction and alterations, compliance with UFAS shall be deemed to be compliance with section 504. Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, governmentwide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations of more than one Federal agency.

Background of Accessibility Standards

The Architectural Barriers Act of 1968, 42 U.S.C. 4151-4157, requires certain Federal and federally funded buildings to be designed, constructed, and altered in accordance with accessibility standards. It also designates four agencies (the General Services Administration, the Departments of Defense and Housing and Urban Development, and the United States Postal Service) to prescribe the accessibility standards. Section 502(b)(7) of the Rehabilitation Act of 1973, as amended, directed the Architectural and Transportation Barriers Compliance Board (ATBCB) to issue minimum guidelines and requirements for these standards. 29 U.S.C. 792(b)(7). The guidelines¹ now in effect are found at 36 CFR part 1190.²

In 1984, the four standard-setting agencies issued UFAS as an effort to minimize the differences among their Barriers Act standards, and among those standards and accessibility standards used by the private sector. The General Services Administration (GSA) and Department of Housing and Urban Development (HUD) have incorporated UFAS into their Barriers Act regulations (*see* 41 CFR subpart 101-19.6 (GSA) and 24 CFR part 40 (HUD)). In order to ensure uniformity, UFAS was designed to be consistent with the scoping and technical provisions of the ATBCB's minimum guidelines and requirements, as well as with the

technical provisions of ANSI A117.1-1980. ANSI is a private, national organization that publishes recommended standards on a wide variety of subjects. The original ANSI A117.1 was adopted in 1961 and reaffirmed in 1971. The current edition, issued in 1986, is ANSI A117.1-1986. The 1961, 1980, and 1986 ANSI standards are frequently used in private practice and by State and local governments.

The final rule amends the agencies' current section 504 regulations for federally assisted programs or activities to refer to UFAS.

The agencies have determined that they will not require the use of UFAS, or any other standard, as the sole means by which recipients can achieve compliance with the requirement that new construction and alterations be accessible. To do so would unnecessarily restrict recipients' ability to design for particular circumstances. In addition, it might create conflicts with State or local accessibility requirements that may also apply to recipients' buildings and that are intended to achieve ready access and use. It is expected that in some instances recipients will be able to satisfy the section 504 new construction and alteration requirements by following applicable State or local codes, and vice versa.

Some facilities may be covered by both section 504 and the Architectural Barriers Act. Nothing in this rule relieves recipients whose facilities are covered by the Barriers Act and that Act's implementing regulations from complying with the requirements of UFAS or any other Barriers Act standard or requirements that may be in effect.

Effect of Amendment

Except as otherwise noted in the additional supplementary information for individual agencies, the agencies' current section 504 rules require that new facilities be designed and constructed to be readily accessible to and usable by persons with handicaps and that alterations be accessible to the maximum extent feasible. The amendment does not affect these requirements but merely provides that compliance with UFAS with respect to buildings (as opposed to "facilities," a broader term that encompasses buildings as well as other types of property) shall be deemed compliance with these requirements with respect to those buildings. Thus, for example, an alteration is accessible "to the maximum extent feasible" if it is done in accordance with UFAS. It should be

noted that UFAS contains special requirements for alterations where meeting the general standards would be impracticable or infeasible (*see, e.g.,* UFAS sections 4.1.6(1)(b), 4.1.6.(3), 4.1.6(4), and 4.1.7).

The amendment also includes language providing that departures from particular UFAS technical and scoping requirements are permitted so long as the alternative methods used will provide substantially equivalent or greater access to and utilization of the building. Allowing these departures from UFAS will provide recipients with necessary flexibility to design for special circumstances and will facilitate the application of new technologies that are not specified in UFAS. As explained under "Background of Accessibility Standards," the agencies anticipate that compliance with some provisions of applicable State and local accessibility requirements will provide "substantially equivalent" access. In some circumstances, recipients may choose to use methods specified in model building codes or other State or local codes that are not necessarily applicable to their buildings but that achieve substantially equivalent access.

The amendment requires that the alternative methods provide "substantially" equivalent or greater access, in order to clarify that the alternative access need not be precisely equivalent to that afforded by UFAS. Application of the "substantially equivalent access" language will depend on the nature, location, and intended use of a particular building. Generally, alternative methods will satisfy the requirement if in material respects the access is substantially equivalent to which would be provided by UFAS in such respects as safety, convenience, and independence of movement. For example, it would be permissible to depart from the technical requirement of UFAS section 4.10.9 that the inside dimensions of an elevator car be at least 68 inches or 80 inches (depending on the location of the door) on the door opening side, by 54 inches, if the clear floor area and the configuration of the car permits wheelchair users to enter the car, make a 360° turn, maneuver within reach of controls, and exit from the car. This departure is permissible because it results in access that is safe, convenient, and independent, and therefore substantially equivalent to that provided by UFAS.

With respect to UFAS scoping requirements, it would be permissible in some circumstances to depart from the UFAS new construction requirement of one accessible principle entrance at

¹The minimum guidelines were established on August 4, 1982 (47 FR 33864), and amended on September 14, 1988 (53 FR 35510), February 3, 1989 (54 FR 5444), and August 23, 1989 (54 FR 34977).

²The ATBCB Office of Technical Services is available to provide technical assistance to recipients upon request relating to the elimination of architectural barriers. Its address is: U.S. ATBCB, Office of Technical Services, 1111 18th Street, NW., Suite 500, Washington, DC 20036. The telephone number is (202) 653-7834 (voice/TDD). This is not a toll free number.

each grade floor level of a building (see UFAS section 4.1.2(8)), if safe, convenient, and independent access is provided to each level of the new facility by a wheelchair user from an accessible principle entrance. This departure would not be permissible if it required an individual with handicaps to travel an extremely long distance to reach the spaces served by the inaccessible entrances or otherwise provided access that was substantially less convenient than that which would be provided by UFAS.

It would not be permissible for a recipient to depart from UFAS' requirement that, in new construction of a long-term care facility, at least 50% of all patient bedrooms be accessible (see UFAS section 4.1.4(9)(b)), by using large accessible wards that make it possible for 50% of all beds in the facility to be accessible to individuals with handicaps. The result is that the population of individuals with handicaps in the facility will be concentrated in large wards, while able-bodied persons will be concentrated in smaller, more private rooms. Because convenience for persons with handicaps is therefore compromised to such a great extent, the degree of accessibility provided to persons with handicaps is not substantially equivalent to that intended to be afforded by UFAS.

It should be noted that the amendment does not require that existing buildings leased by recipients meet the standards for new construction and alterations.³ Rather, it continues the current Federal practice under section 504 of treating newly leased buildings as subject to the program accessibility standard for existing facilities.

UFAS contains specific requirements for additions to existing buildings (see UFAS section 4.1.5). The amendment references UFAS for "design, new construction, or alteration of buildings,"

³ This will be the case even if UFAS is revised to be consistent with a 1988 amendment to the ATBCB minimum guidelines to provide minimum guidelines and requirements for accessible leased facilities. On September 14, 1988 (53 FR at 35510), the ATBCB amended its minimum guidelines to establish requirements for standards for buildings leased by the Federal Government, 36 CFR 1190.34 (1989). The requirements apply to leased buildings even if they are not altered. Section 1190.34(a) requires that any building or facility that is to be leased by the Federal Government, without having been designed or constructed in accordance with its specifications, comply with the standards for new construction (§ 1190.31), incorporate the features listed in the standards for alterations (§ 1190.33(c)), or, if no such space is available, be altered to include certain accessible elements and spaces. These requirements will be incorporated into UFAS and will apply to buildings covered by the Architectural Barriers Act. However, existing buildings, leased by recipients are not covered by the Act unless the buildings are to be altered.

and does not mention additions specifically. For purposes of section 504, an addition is considered "new construction" or "alteration." Thus, the lack of reference to additions in the rule should not be read to exempt additions from the accessibility requirements.

Buildings under design on the effective date of this amendment will be governed by the amendment if the date that bids were invited falls after the effective date. This interpretation is consistent with GSA's Architectural Barriers Act regulation incorporating UFAS, at 41 CFR subpart 101-19.6.

The revision includes language modifying the effect of UFAS section 4.1.6(1)(g), which provides an exception to UFAS 4.1.6, *Accessible buildings: Alterations*. Section 4.1.6(1)(g) of UFAS states that "mechanical rooms and other spaces which normally are not frequented by the public or employees of the building or facility or which by nature of their use are not required by the Architectural Barriers Act to be accessible are excepted from the requirements of 4.1.6." Particularly after the development of specific UFAS provisions for housing alterations and additions, UFAS section 4.1.6(1)(g) could be read to exempt alterations to privately owned residential housing, which is not covered by the Architectural Barriers Act unless leased by the Federal Government for subsidized housing programs. This exception, however, is not appropriate under section 504, which protects beneficiaries of housing provided as part of a federally assisted program. Consequently, the amendment provides that, for purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries, or result in the employment or residence therein of persons with handicaps.

This exception does not apply to a room merely because it contains mechanical equipment. For instance, the exception shall not be read to exempt from the requirements of UFAS a "mechanical room" with a photocopier, control mechanisms and operating equipment for a large heating and air conditioning system, and controls for a security system. Since the room would be frequented by employees, it is not excepted from UFAS. In this case, the control mechanisms, including switches, thermostats, and alarms, used by employees should be on an accessible path and mounted at the proper height.

The revision also provides that whether or not the recipient opts to follow UFAS in satisfaction of the ready access requirement, the recipient is not required to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member. This provision does not relieve recipients of their obligation under the current regulation to ensure program accessibility.

Several agencies' section 504 regulations for federally assisted programs are contained in parts entitled "Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance." This document deletes the phrase "or benefiting from" from those titles. The phrase is being deleted pursuant to *Department of Transportation v. Paralyzed Veterans of America*, 477 U.S. 597 (1986), which held that air transportation services provided by airlines were not part of the covered program or activity because the airlines were not the intended recipient of the Federal financial assistance to airports, even if the airlines benefited from that assistance. The passage of the Civil Rights Restoration Act of 1987, 20 U.S.C. 1687 note (1988), does not overrule or alter this result. S. Rep. No. 64, 100th Cong., 1st Sess. 29 (1987).

This document has been reviewed by DOJ. It is an adaptation of a prototype prepared by DOJ under Executive Order 12250 of November 2, 1980. The ATBCB has been consulted in the development of this document in accordance with 28 CFR 41.7.

The regulation is not a major rule within the meaning of Executive order 12291 of February 17, 1981, and, therefore, a regulatory impact analysis has not been prepared. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

Text of the Common Rule

The text of the common rule, as adopted by the agencies in this document, appears below.

§ ____

(____) *Conformance with Uniform Federal Accessibility Standards*. (1) Effective as of January 18, 1991, design, construction, or alteration of buildings in conformance with sections 3-8 of the Uniform Federal Accessibility Standards (USAF) (Appendix A to 41 CFR Subpart 101-19.6) shall be deemed to comply with the requirements of this

section with respect to those buildings. Departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided.

(2) For purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries or result in the employment or residence therein of persons with physical handicaps.

(3) This section does not require recipients to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member.

Adoption of the Common Rule

The agency specific preambles adopting the text of the common rule appear below.

DEPARTMENT OF AGRICULTURE

7 CFR Part 15b

FOR FURTHER INFORMATION CONTACT: M. Farook Sait at (202) 447-7327 (voice) and (TDD) or Judy Demont at (202) 382-9200 (voice).

ADDITIONAL SUPPLEMENTARY

INFORMATION: This final rule is to be published as part of the Joint Rule intended to apply the Uniform Federal Accessibility Standards (USFAS) to the construction and alteration requirements of buildings in Federal assisted programs. This final rule revises the title of the part, and certain sections, to make clear, for reasons set out in the common preamble, that the coverage of the part applies only to recipients of Federal financial assistance extended by the Department of Agriculture, and does not apply to entities which only incidentally benefit from, but do not actually receive, such assistance. This final rule also revises the definition of "historic properties" in section 15b.3(q) in order to conform it to UFAS section 4.1.7(1)(a). Historic properties under the current definition are limited to those listed or eligible for listing in the National Register of Historic Places. The special historic preservation section UFAS applies additionally to buildings and facilities designated as historic under State and local law. The provision should not be interpreted to broaden the categories of buildings that can be designated as

national historic properties, or to affect the process that is followed for buildings that are on the National Register. Rather, it is intended to provide some flexibility with respect to those properties that States and localities have designated as historic.

List of Subjects in 7 CFR Part 15b

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Historic preservation, Loan Programs.

For the reasons set forth in the preamble, 7 CFR Part 15b is amended as follows:

PART 15b—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 15b is revised to read as set forth above.
2. The authority citation for part 15b is revised to read as follows:

Authority: 29 U.S.C. 794.

3. Sections 15b.2, 15b.11, 15b.16, 15b.20 in two places, 15b.29 and 15b.36 are amended by removing the words "or benefit from" from their texts.

4. Section 15b.3 paragraph (q) is revised to read as follows:

§ 15b.3 Definitions.

(q) For purposes of § 15b.18(e), "Historic properties" means those buildings or facilities that are eligible for listing in the National Register of Historic Places, or such properties designated as historic under a statute of the appropriate State or local government body.

§ 15b.9 [Amended]

5. Section 15b.19, paragraph (c) is revised to read as set forth at the end of the common preamble.

Clayton Yeutter,
Secretary of Agriculture.

NUCLEAR REGULATORY COMMISSION

RIN 3150-AD56

10 CFR Part 4

FOR FURTHER INFORMATION CONTACT: Edward E. Tucker at (301) 492-7106 (voice) or (800) 638-8282 (TDD).

ADDITIONAL SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval number 3150-0053

List of Subjects in 10 CFR Part 4

Administrative practice and procedure, Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Federal aid programs, Grant programs, Handicapped, Loan programs, Reporting and recordkeeping requirements, Sex discrimination.

For the reasons set forth in the preamble, 10 CFR part 4 is amended as follows:

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

1. The authority citation for part 4 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 274, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 207, Pub. L. 95-604, 92 Stat. 3033.

Subpart A also issued under secs. 602-605, Pub. L. 88-352, 78 Stat. 252, 253 (42 U.S.C. 2000d-1-2000d-4); sec. 401, 88 Stat. 1254 (42 U.S.C. 5891). Subpart B also issued under sec. 504, Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794); sec. 119, Pub. L. 95-602, 92 Stat. 2984 (29 U.S.C. 794); sec. 122, Pub. L. 95-602, 92 Stat. 2984 (29 U.S.C. 706(6)). Subpart C also issued under title III of Pub. L. 94-135, 89 Stat. 726, as amended (42 U.S.C. 6101). Subpart E also issued under 29 U.S.C. 794.

§ 4.128 [Amended]

2. Section 4.128 is amended by adding the heading "*Design, construction, and alteration.*" to the beginning of paragraph (a).

3. Section 4.128, paragraph (b) is revised to read as set forth at the end of the common preamble.

James M. Taylor,
Executive Director for Operations.

DEPARTMENT OF ENERGY

10 CFR Part 1040

FOR FURTHER INFORMATION CONTACT: Tyrone K. Levi at (202) 586-2230 (voice) or 252-9777 (TDD).

List of Subjects in 10 CFR Part 1040

Aged, Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs.

Handicapped, Loan programs, Sex discrimination.

For the reasons set forth in the preamble, 10 CFR part 1040 is amended as follows:

PART 1040—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

1. The authority citation for part 1040 is revised to read as follows:

Authority: 20 U.S.C. 1681-1686; 29 U.S.C. 794; 42 U.S.C. 2000d to 2000d-4a, 3601-3631, 5891, 6101-6107, 6870, 7101 *et seq.*

§ 1040.73 [Amended]

2. Section 1040.73, paragraph (c) is revised to read as set forth at the end of the common preamble.

John Nettles,

Deputy Director of Administration and Human Resource Management.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 113

FOR FURTHER INFORMATION CONTACT: J. Arnold Feldman at (202) 653-6054 (voice) or 653-6579 (TDD). These are not toll-free numbers.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Small Business Administration currently requires compliance with a particular standard (the 1980 edition of the ANSI). Under this amendment, compliance with a particular standard is no longer mandated. Rather, recipients are encouraged to follow UFAS for new construction and alterations subject to the regulation.

List of Subjects in 13 CFR Part 113

Blind, Buildings, Civil rights, Discrimination based on race, color, religion, sex, marital status, age, handicap or national origin, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 13 CFR part 113 is amended as follows:

PART 113—NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SBA—EFFECTUATION OF POLICIES OF FEDERAL GOVERNMENT AND SBA ADMINISTRATOR

1. The authority citation for part 113 is revised to read as follows:

Authority: Secs. 5, 308, 72 Stat. 385, 694, as

amended; 15 U.S.C. 633, 634, 687, 1691; 20 U.S.C. 1681-1686; 29 U.S.C. 794.

§ 113.3-3 [Amended]

2. Section 113.3-3 is amended by adding the heading "*Existing facilities.*" at the beginning of paragraph (a).

3. Section 113.3-3 is further amended by adding the heading "*Design, construction, and alteration.*" at the beginning of paragraph (b) and by adding a new sentence after the heading to read as follows: "New facilities shall be designed and constructed to be readily accessible to and usable by persons with handicaps."

4. Section 113.3-3, paragraph (c) is revised to read as set forth at the end of the common preamble.

Susan Engeleiter,
Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1251

FOR FURTHER INFORMATION CONTACT:

Lynda Sampson at (202) 453-2177 (voice) or (202) 453-8132 (TDD).

List of Subjects in 14 CFR Part 1251

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 14 CFR part 1251 is amended as follows:

PART 1251—NONDISCRIMINATION ON BASIS OF HANDICAP

1. The authority citation for part 1251 continues to read as follows:

Authority: 29 U.S.C. 794.

§ 1251.302 [Amended]

2. Section 1251.302, paragraph (c) is revised to read as set forth at the end of the common preamble.

Richard H. Truly,
Administrator.

DEPARTMENT OF STATE

22 CFR Part 142

FOR FURTHER INFORMATION CONTACT:

Paul Coran at (202) 647-9251 (voice or TDD).

ADDITIONAL SUPPLEMENTARY

INFORMATION: The Department of State's existing section 504 requirement for alterations, contained at 22 CFR 142.17(b), mandates compliance with the

standards set forth in 41 CFR subpart 101-19.6 (*i.e.*, UFAS). Under this amendment, compliance with UFAS is no longer mandated, but is merely encouraged. This notice also amends paragraph (a), which incorrectly implies that all federally funded construction since 1968 is subject to the Architectural Barriers Act. In fact, only certain federally funded construction triggers Architectural Barriers Act coverage.

List of Subjects in 22 CFR Part 142

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 22 CFR part 142 is amended as follows:

PART 142—NONDISCRIMINATING ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 142 is revised to read as set forth above.

2. The authority citation for part 142 is revised to read as follows:

Authority: 29 U.S.C. 794.

3. Section 142.17, paragraphs (a) and (b) are revised to read as follows:

§ 142.17 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed, constructed, and operated in a manner so that the facility or part of the facility is accessible to and usable by persons with handicaps, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that effects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered so that the altered portion of the facility is readily accessible to and usable by persons with handicaps.

* * * * *

3. Section 142.17, paragraph (c) is revised to read as set forth at the end of the common preamble.

Audrey F. Morton,

Deputy Assistant Secretary, Equal Employment Opportunity and Civil Rights

**INTERNATIONAL DEVELOPMENT
COOPERATION AGENCY****Agency for International Development****22 CFR Part 217****FOR FURTHER INFORMATION CONTACT:**

Sandra Winston at (202) 663-1340 (voice) or 663-1337 (TDD).

List of Subjects in 22 CFR Part 217

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 22 CFR part 217 is amended as follows:

**PART 217—NONDISCRIMINATING ON
THE BASIS OF HANDICAP IN
PROGRAMS AND ACTIVITIES
RECEIVING FEDERAL FINANCIAL
ASSISTANCE**

1. The title for part 217 is revised to read as set forth above.
2. The authority citation for part 217 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 217.23 [Amended]

3. Section 217.23, paragraph (c) is revised to read as set forth at the end of the common preamble.

Jessalyn L. Pendarvis,
Director.

DEPARTMENT OF EDUCATION**34 CFR Part 104****FOR FURTHER INFORMATION CONTACT:**

Frederick T. Cioffi at (202) 732-1635 (voice) or 708-9300 or (800) 877-8339 (TDD).

List of Subjects in 34 CFR Part 104

Blind, Buildings, Civil rights, Education, Educational facilities, Employment, Equal educational opportunity, Equal employment opportunity, Grant programs, Handicapped, Loan programs, School construction.

For the reasons stated in the preamble, 34 CFR part 104 is amended as follows:

**PART 104—NONDISCRIMINATION ON
THE BASIS OF HANDICAP IN
PROGRAMS AND ACTIVITIES
RECEIVING FEDERAL FINANCIAL
ASSISTANCE**

1. The title for part 104 is revised to read as set forth above.
2. The authority citation for part 104 is revised to read as follows:

Authority: 20 U.S.C. 1405; 29 U.S.C. 794.

§ 104.23 [Amended]

3. Section 104.23(c) is revised to read as set forth at the end of the common preamble.

Appendix A—[Amended]

4. In Appendix A to part 104, No. 21, third paragraph beginning "As proposed, § 104.23(c) required compliance", is removed.

Lauro F. Cavazos,
Secretary of Education.

**DEPARTMENT OF VETERANS
AFFAIRS****38 CFR Part 18****FOR FURTHER INFORMATION CONTACT:**

Tony Jackson at (202) 233-4140 (voice) or 233-3710 (TDD).

ADDITIONAL SUPPLEMENTARY

INFORMATION: The Department of Veterans Affairs has determined that this regulation is not a "major rule" within the meaning of Executive Order 12291. It will not have an annual effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers or individual industries, and will not have any other significant adverse effects on the economy.

The Secretary hereby certifies that this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this regulation is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reasons for this certification are that the regulation does not impact on small entities.

The Catalog of Federal Domestic Assistance program numbers affected by this regulation are 64.005, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.020, 64.021, 64.121, 64.124, and 64.203. Other financial assistance to which the requirement applies is listed in Appendix A of 38 CFR part 18, subpart D.

List of Subjects in 38 CFR Part 18

Administrative practice and procedure, Aged, Authority delegations, Blind, Buildings, Civil rights, Employment, Equal educational opportunity, Equal employment opportunity, Grant programs, Handicapped, Investigations.

38 CFR Part 18, Nondiscrimination in Federally-Assisted Programs of the Department of Veterans Affairs—Effectuation of Title VI of the Civil Rights Act of 1964, is amended as follows:

**PART 18—NONDISCRIMINATION IN
FEDERALLY-ASSISTED PROGRAMS
OF THE DEPARTMENT OF VETERANS
AFFAIRS—EFFECTUATION OF TITLE
VI OF THE CIVIL RIGHTS ACT OF 1964**

1. The heading and authority citation for subpart D are revised to read as follows:

**Subpart D—Nondiscrimination on the
Basis of Handicap in Programs and
Activities Receiving Federal Financial
Assistance**

Authority: 29 U.S.C. 794; 42 U.S.C. 2000d-1 To 2000d-4, 6101-6107.

§ 18.423 [Amended]

2. Section 18.423, paragraph (c) is revised to read as set forth at the end of the common preamble.

Edward J. Derwinski,
Secretary of Veterans Affairs.

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 7****FOR FURTHER INFORMATION CONTACT:**

Nereid Maxey at (202) 382-4567 (voice) or 382-4565 (TDD).

List of Subjects in 40 CFR Part 7

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs, Sex discrimination.

For the reasons stated in the preamble, 40 CFR part 7 is amended as follows:

**PART 7—NONDISCRIMINATION IN
PROGRAMS RECEIVING FEDERAL
ASSISTANCE FROM THE
ENVIRONMENTAL PROTECTION
AGENCY**

1. The authority citation for part 7 is revised to read as follows:

Authority: 42 U.S.C. 2000d to 2000d-4; 29 U.S.C. 794; 33 U.S.C. 1251 nt.

§ 7.70 [Amended]

2. Section 7.70, paragraphs (c) and (d) are removed and paragraph (b) is revised to read as set forth at the end of the common preamble.

Nathaniel Scurry,
Director, Office of Civil Rights.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 84

FOR FURTHER INFORMATION CONTACT: Marcella Haynes or Frank Weil at (202) 619-0671 (voice) or 863-0101 (TDD).

List of Subjects in 45 CFR Part 84

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Health facilities, Hospitals, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 84 is amended as follows:

PART 84—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 84 is revised to read as set forth above.
2. The authority citation for part 84 is revised to read as follows:

Authority: 20 U.S.C. 1405; 29 U.S.C. 794; 42 U.S.C. 290dd-2; 21 U.S.C. 1174.

§ 84.23 [Amended]

3. Section 84.23, paragraph (c) is revised to read as set forth at the end of the common preamble.

Dated: May 4, 1990.
Louis Sullivan,
Secretary.

NATIONAL SCIENCE FOUNDATION

45 CFR Part 605

FOR FURTHER INFORMATION CONTACT: Brenda M. Brush at (202) 357-9819 (voice) or 357-9867 (TDD).

List of Subjects in 45 CFR Part 605

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 605 is amended as follows:

PART 605—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 605 is revised to read as set forth above.
2. The authority citation for part 605 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 605.23 [Amended]

3. Section 605.23, paragraph (c) is revised to read as set forth at the end of the common preamble.

Erich Bloch,
Director, NSF.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Part 1151

FOR FURTHER INFORMATION CONTACT: Paula Terry at (202) 682-5532 (voice) or 682-5496 (TDD).

List of Subjects in 45 CFR Part 1151

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 1151 is amended as follows:

PART 1151—NONDISCRIMINATION ON THE BASIS OF HANDICAP

1. The authority citation for part 1151 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 1151.23 [Amended]

2. Section 1151.23 is amended by adding the heading "*Design, construction, and alteration.*" to the beginning of paragraph (a).
3. Section 1151.23, paragraph (b) is revised to read as set forth at the end of the common preamble.

John E. Frohnmayer,
Chairman, National Endowment for the Arts.

National Endowment for the Humanities

45 CFR Part 1170

FOR FURTHER INFORMATION CONTACT: Kathy Wolhoe at (202) 786-0322 (voice) or 786-0282 (TDD).

List of Subjects in 45 CFR Part 1170

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 1170 is amended as follows:

PART 1170—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

1. The authority citation for part 1170 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 1170.33 [Amended]

2. Section 1170.33, paragraph (a) is amended by adding the heading "*Design, construction, and alteration.*" to the beginning of the paragraph.

3. Section 1170.33, paragraph (b) is revised to read as set forth at the end of the common preamble.

Lynne V. Cheney,
Chairman.

ACTION

45 CFR Part 1232

FOR FURTHER INFORMATION CONTACT: Jeanne D. McCamley at (202) 634-9312 (voice) or 708-9300 or (800) 877-8339 (TDD).

List of Subjects in 45 CFR Part 1232

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 1232 is amended as follows:

PART 1232—NONDISCRIMINATION ON BASIS OF HANDICAP IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM ACTION

1. The authority citation for part 1232 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 1232.15 [Amended]

2. Section 1232.15, paragraph (a) is amended by adding the heading "*Design, construction, and alteration.*" to the beginning of the paragraph.

3. Section 1232.15, paragraph (b) is revised to read as set forth at the end of the common preamble.

Jane A. Kenny,

Director.

[FR Doc. 90-27544 Filed 12-18-90; 8:45 am]

BILLING CODE 3410-01-M; 7590-01-M; 6450-01-M;
8025-01-M; 7510-01-M; 4710-28-M; 6116-71-M; 4000-01-M;
8320-01-M; 6560-50-M; 4150-04-M; 7555-01-M; 7537-01-M;
7536-01-M; 6050-28-M