

Before an Administrative Law Judge" to read as follows:

§ 416.1442 Prehearing proceedings and decisions by attorney advisors.

(a) *General.* After a hearing is requested but before it is held, an attorney advisor in our Office of Hearings and Appeals may conduct prehearing proceedings as set out in paragraph (c) of this section. If upon the completion of these proceedings, a decision that is wholly favorable to you and all other parties may be made, an attorney advisor, instead of an administrative law judge, may issue such a decision. The conduct of the prehearing proceedings by the attorney advisor will not delay the scheduling of a hearing. If the prehearing proceedings are not completed before the date of the hearing, the case will be sent to the administrative law judge unless a wholly favorable decision is in process or you and all other parties to the hearing agree in writing to delay the hearing until the proceedings are completed.

(b) *When prehearing proceedings may be conducted by an attorney advisor.* An attorney advisor may conduct prehearing proceedings if you have filed a claim for SSI benefits based on disability and—

(1) New and material evidence is submitted;

(2) There is an indication that additional evidence is available;

(3) There is a change in the law or regulations; or

(4) There is an error in the file or some other indication that a wholly favorable decision may be issued.

(c) *Nature of the prehearing proceedings that may be conducted by an attorney advisor.* As part of the prehearing proceedings, the attorney advisor, in addition to reviewing the existing record, may—

(1) Request additional evidence that may be relevant to the claim, including medical evidence; and

(2) If necessary to clarify the record for the purpose of determining if a wholly favorable decision is warranted, schedule a conference with the parties.

(d) *Notice of a decision by an attorney advisor.* If the attorney advisor issues a wholly favorable decision under this section, we shall mail a written notice of the decision to all parties at their last known address. We shall state the basis for the decision and advise all parties that an administrative law judge will dismiss the hearing request unless a party requests that the hearing proceed. A request to proceed with the hearing must be made in writing within 30 days

after the date the notice of the decision of the attorney advisor is mailed.

(e) *Effect of actions under this section.* If under this section, an administrative law judge dismisses a request for a hearing, the dismissal is binding in accordance with § 416.1459 unless it is vacated by an administrative law judge or the Appeals Council pursuant to § 416.1460. A decision made by an attorney advisor under this section is binding unless—

(1) A party files a request to proceed with the hearing pursuant to paragraph (d) of this section and an administrative law judge makes a decision;

(2) The Appeals Council reviews the decision on its own motion pursuant to § 416.1469 as explained in paragraph (f)(3) of this section; or

(3) The decision of the attorney advisor is revised under the procedures explained in § 416.1487.

(f) *Ancillary provisions.* For the purposes of the procedures authorized by this section, the regulations of part 416 shall apply to—

(1) Authorize an attorney advisor to exercise the functions performed by an administrative law judge under §§ 416.920a, 416.924d(b), and 416.946;

(2) Define the term "decision" to include a decision made by an attorney advisor, as well as the decisions identified in § 416.1401; and

(3) Make the decision of an attorney advisor subject to review by the Appeals Council under § 416.1469 if an administrative law judge dismisses the request for a hearing following issuance of the decision, and the Appeals Council decides to review the decision of the attorney advisor anytime within 60 days after the date of the dismissal.

(g) *Sunset provision.* The provisions of this section will no longer be effective on (insert date 2 years after the date the final rule is published in the Federal Register) unless they are extended by the Commissioner of Social Security by publication of a final rule in the Federal Register.

[FR Doc. 95-9028 Filed 4-13-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

RIN 1024-AC25

Alaska; Trapping Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule; re-opening of public comment period.

SUMMARY: This proposed rule is a clarification of the National Park Service (NPS) restriction on the use of firearms and other weapons by trappers. The rulemaking addresses only the clarification of the language regarding trapping and the use of firearms in the taking of wildlife under a trapping license. This proposed rule, the substance of which was printed as a proposed rule along with a proposed rule to prohibit same-day-airborne hunting in national park areas on November 15, 1994 (59 FR 58804), extends the comment period for another 60-days to allow additional review and comment by interested groups and persons. The same-day-airborne hunting portion of the original proposed rule was published as a Final Rule on April 11, 1995 in a separate document.

DATES: Comments will be accepted until June 13, 1995.

ADDRESSES: Comments should be addressed to Robert D. Barbee, Regional Director, National Park Service, 2525 Gambell Street, Anchorage, AK 99503-2892 (Fax 907-257-2533).

FOR FURTHER INFORMATION CONTACT: Paul Hunter, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503-2892 (Telephone 907-257-2646; Fax 907-257-2410).

SUPPLEMENTARY INFORMATION:

Extended Comment Period: Firearm Restriction for Trapping

This document announces a 60-day re-opening of the comment period for the trapping clarification portion of the proposed rule published in the Federal Register on November 15, 1994 (59 FR 58804). The clarification portion, 36 CFR 13.21(d)(5), of the proposed rule, relates to existing regulations (36 CFR 13.1(u) and 36 CFR 1.4(a)) that generally prohibit the use of a firearm for trapping in NPS-managed areas in Alaska. The initial comment period expired on December 15, 1994. Many comments received during this comment period, including comments from local advisory groups, governmental units and Alaska residents, requested additional time to review the proposed clarification and the existing regulation. Although this provision of the regulation has been in effect since 1981, there is apparent confusion regarding its intent and effect, as well as its relationship to existing hunting and trapping practices. The extended comment period will allow full examination of these issues. Accordingly, the comment period for the clarification portion of the proposed rule concerning the use of firearms and weapons to take wildlife under a trapping license is hereby extended for

an additional 60 days. The existing prohibition remains in effect and further rulemaking on this portion of the original proposed rule is held in abeyance until after review of the public comments.

Dated: April 7, 1995.
George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95-9251 Filed 4-13-95; 8:45 am]
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-74; RM-8153]

Radio Broadcasting Services; Yermo, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a petition filed on behalf of Antelope Broadcasting, Co., Inc., permittee of Station KYHT(FM), Yermo, California, requesting the substitution of Channel 287B1 for Channel 287A at Yermo, and modification of its facilities accordingly, based upon its withdrawal of interest in pursuing its modification request through the rule making process. See 58 FR 19395, April 14, 1993. With this action the proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 93-74, adopted April 3, 1995, and released April 11, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-9221 Filed 4-13-95; 8:45 am]
BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-37, RM-8586]

Television Broadcasting Services; Waimanalo, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Joyce Cathcart, proposing the allotment of Television Channel 56 to Waimanalo, Hawaii, as that community's first local television service. The allotment can be made consistent with the minimum distance separation requirements of Section 73.610 of the Commission's Rules. The coordinates for the proposed allotment of Channel 56 to Waimanalo are 21-21-00 and 157-43-12. This proposal is not affected by the freeze on television allotments or applications.

DATES: Comments must be filed on or before June 1, 1995, and reply comments on or before June 16, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Joyce Cathcart, 1508 Halekoa Drive, Ainakoa, Hawaii (Petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-37, adopted March 28, 1995, and released April 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Room 246, or 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-9220 Filed 4-13-95; 8:45 am]
BILLING CODE 6712-01-F

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 234

[FRA Docket No. RSGC-6; Notice No. 3]

RIN 2130-AA92

Selection and Installation of Grade Crossing Warning Systems; Notice of Proposed Rulemaking

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Change of hearing date and extension of comment period.

SUMMARY: On April 7, 1995, FRA published in the Federal Register a notice changing the hearing date in this rulemaking from May 9, 1995 to April 24, 1995.

FRA has reconsidered the hearing schedule as a result of comments from members of the public regarding the hardship that would be imposed on those wishing to participate in the hearings by the shortened time from resulting from the date change.

FRA is accordingly canceling the hearing scheduled for April 24, 1995 and will instead hold two days of hearings in this matter on Tuesday June 6, and Wednesday, June 7, 1995. The hearing location remains the same and will be held in room 2230 of the Nassif Building, DOT Headquarters Building, 400 Seventh S.W., Washington, D.C.

The comment period in this rulemaking is also being extended. Comments will be accepted through June 14, 1995.

We apologize for any inconvenience this rescheduling may cause however, we believe that this change in hearing dates will provide greater opportunity for all interested parties to participate in this rulemaking.

DATES: (1) Written comments must be received no later than June 14, 1995. Comments received after that date will be considered to the extent possible