

that has been violated does not include any circumstance in which: the violation was malicious; the violator had previously been found to have violated the same statute, regulation, contract, or agreement; or the violator had previously been informed that the conduct that resulted in the violation is prohibited by statute, regulation, contract, or agreement.)

e. *Penalty.* Any sanction that may be imposed directly by the Secretary. (The term *penalty* does not include: liquidated damages; any restitution for damages suffered by USDA; any action that either permanently or temporarily excludes a small business from entering into a transaction with USDA; or any sanction that may be imposed by a USDA grantee or subgrantee even if the sanction may be imposed as a result of conditions required by USDA for the grant.)

f. *Penalty Modification Coordinator.* The individual appointed by a USDA agency in accordance with paragraph 5 of this Memorandum.

g. *Secretary.* The Secretary of the United States Department of Agriculture or any individual to whom the Secretary delegates authority.

h. *Significant threat to health, safety, or the environment.* Any conduct that is likely to result in:

(1) death, injury, illness, or spread of diseases or pests to any human, animal, or plant; or

(2) material harm to the environment.

i. *Small business.* Any sole proprietorship, joint venture, partnership, corporation, association, or other legal entity that:

(1) employed 500 or fewer individuals at the time of the alleged violation; or

(2) in the tax year immediately preceding the alleged violation, had gross receipts of \$1,000,000 or less.

j. *USDA.* The United States Department of Agriculture.

4. Waiver of Penalties

a. If a penalty may be imposed on the small business by the Secretary, the administering agency shall determine whether the penalty is a covered penalty. If the administering agency determines the penalty to be a covered penalty, the administering agency shall:

(1) provide a copy of this Memorandum to the small business on which the penalty may be imposed; and

(2) notify the small business that the imposition of all or a portion of a penalty can be waived as agreed by the small business and the agency, if corrective action can be achieved within the time to be established in the sole discretion of the administering agency. The penalty shall be waived, in whole or in part, if the administering agency and the small business agree in writing as to the waiver of the penalty, the administering agency establishes the time within which correction action is to be taken, and the small business takes corrective action within the time established by the administering agency.

b. If the small business takes corrective action, but fails to do so within the time established in accordance with paragraph 4a(2) of this Memorandum by the administering agency, the administering

agency may reduce the amount of any monetary penalty that may be imposed for the violation up to the amount spent by the small business for corrective action. When determining whether to reduce a monetary penalty in accordance with this subparagraph, the administering agency shall take into account the time in which the small business took corrective action and any difficulties the small business encountered when doing so.

c. Any administering agency that waives a penalty in accordance with paragraph 4a or 4b of this Memorandum shall issue a written statement to the small business stating that corrective action has been taken, that the imposition of all or a portion of the penalty has been waived, the manner in which the penalty has been waived, and the amount or type of any remaining penalty that may be imposed.

d. The use of appropriate alternative dispute resolution techniques to assist in the determination whether a penalty will be waived as authorized by this Memorandum is encouraged.

e. Each Under or Assistant Secretary shall submit a quarterly report, starting January 1, 1996, to the Secretary of Agriculture describing actions taken pursuant to this Memorandum. Each quarterly report must include each penalty that has been waived during the quarter, the manner in which each penalty has been waived, the corrective action taken by the small business, and the amount or type of any remaining penalty.

5. Penalty Modification Coordinator

Each administering agency that administers any program under which the Secretary is permitted by law or has discretion to waive the imposition of a penalty shall appoint a Penalty Modification Coordinator who shall be responsible for the implementation of paragraphs 4 and 6 of this Memorandum in the administering agency.

6. Notification

a. Each Penalty Modification Coordinator shall provide to each employee of the administering agency who has authority to assess penalties or to recommend the assessment of penalties:

(1) a copy of this Memorandum; and

(2) the name, address, and telephone number of the Penalty Modification Coordinator, who shall be available to answer questions concerning the implementation of this Memorandum posed by agency employees.

b. Small businesses shall be notified of this Memorandum by publication of this Memorandum in the Federal Register.

7. Reporting Frequency

a. Except as provided in paragraph 7c of this Memorandum, each agency shall reduce by at least one-half the frequency with which regularly scheduled reports required, by regulation or policy in effect on April 21, 1995, must be provided to USDA.

b. Policy changes necessary to comply with paragraph 7a of this Memorandum shall be implemented no later than November 1, 1995. Regulatory changes necessary to comply with paragraph 7a of this

Memorandum shall be effective no later than January 1, 1996.

c. The frequency with which regularly scheduled reports shall be provided to USDA shall not be reduced pursuant to paragraph 7a of this Memorandum if:

(1) the frequency with which the report is provided to USDA is required by statute;

(2) the report is required to be provided to USDA as a condition of continued employment with USDA, execution of a contract with USDA, or receipt of a loan, grant, guarantee, or benefit from USDA; or

(3) the Secretary of Agriculture determines that the reduction of the frequency with which the regularly scheduled report is provided to USDA—is not legally permissible; would not adequately protect health, safety, or the environment; would be inconsistent with achieving regulatory flexibility or reducing regulatory burdens; or would impede the effective administration of a USDA program.

8. Effective Date

This Memorandum shall be effective on October 10, 1995.

9. Effect on Other Agency Penalty Waiver Policies

To the extent that any administering agency policy regarding the waiver of covered penalties is inconsistent with this Memorandum, the policy shall be revoked or modified to conform to this Memorandum no later than November 1, 1995. To the extent that any administering agency regulations regarding the waiver of covered penalties is inconsistent with this Memorandum, the regulations shall be revoked or modified to conform to this Memorandum no later than January 1, 1996. This Memorandum does not affect any administering agency policy to waive penalties that is not inconsistent with this Memorandum.

10. Termination or Modification

This Memorandum may be terminated or modified by the Secretary of Agriculture at any time.

11. Judicial Review

This Memorandum is intended only to improve the internal management of USDA and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, USDA, the officers or employees of the United States or USDA, or any other person. Neither this Memorandum nor the waiver of any penalty in accordance with this Memorandum shall affect the date on which the imposition of a penalty shall be considered to be final agency action for the purposes of judicial review.

Done in Washington, D.C., this 22nd day of January, 1996.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 96-1415 Filed 1-25-96; 8:45 am]

BILLING CODE 3410-01-M

Food and Consumer Service**Information Collection Requirements Submitted for Public Comment and Recommendation**

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Consumer Service (FCS) is publishing for public comment a summary of a proposed information collection regarding Form FCS-583, Employment and Training (E&T) Program Report (OMB 0584-0339). Comments will be included in the request for Office of Management and Budget (OMB) approval and will become a matter of public record.

DATES: Written comments and recommendations for the proposed information collection must be received by March 26, 1996.

ADDRESSES: Send comments and requests for copies of the form and instructions to the Work Program Section, Program Design Branch, Program Development Division, Food and Consumer Service, USDA, 3101 Park Center Drive, Room 716, Alexandria, VA 22302. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: The Work Program Section, FCS, at (703) 305-2762.

SUPPLEMENTARY INFORMATION: *Type of Information Collection Request:* Extension of an information collection currently approved by OMB that will expire on January 31, 1996. The agency wishes to extend the approval past the current expiration date without making any material change in the collection instrument, instructions, or frequency of collection. Readers should be aware that changes that would impact this

reporting burden are being discussed as part of the welfare reform debate currently underway. Should any of the proposed legislative changes pass soon, it is expected that the reporting burden associated with the Food Stamp Employment and Training Program will change. Unfortunately, it is not known what the changes will be or when they may be effective. The agency would prefer to wait for the legislative changes to be decided before it takes action on the extension of the current reporting burden. However, the current burden will expire too soon for that to happen. Therefore, the agency is proceeding with the activity necessary to extend the current reporting burden, but cautions readers that changes are likely in the near future.

Title of Information Collection: E&T Program Report. *Form Number:* FCS-583. *Use:* Title 7 CFR 273.7(c)(6) requires State agencies to submit quarterly E&T Program reports containing monthly figures for participation in the program. The FCS-583 report includes the number of participants newly work registered; work registrants exempted from the E&T Program; participants who volunteered and began an approved E&T component; E&T mandatory participants who began an approved E&T component; work registrants sent a Notice of Adverse Action for failure to comply with E&T Program requirements; and the number of applicants denied food stamp certification or recertification for failure to comply with an E&T Program component. The first quarterly report includes the number of work registered persons in a state as of October of the new fiscal year. The final quarterly report contains the number of work registrants exempted as part of a category of persons during the course of the year separated by the specific reasons for the exemptions; and the number of participants (E&T Program mandatory and volunteers) placed in each E&T component offered by the State agency. This collection of information is used by FCS to determine whether States have met their mandated performance standards. *Frequency:* The FCS-583 report must be completed and submitted to FCS on a quarterly basis by the 45th day following the end of the quarter. *Affected Public:* State and local government. *Number of Respondents:* 3,520,853. *Total Annual Burden Hours:* 258,416.

Dated: January 16, 1996.
William E. Ludwig,
Administrator, Food and Consumer Service.
[FR Doc. 96-1418 Filed 1-25-96; 8:45 am]
BILLING CODE 3410-30-U

Forest Service**Trails Management Plan—Santa Lucia Ranger District; Los Padres National Forest, San Luis Obispo County, CA**

ACTION: Notice of intent to withdraw an environmental impact statement.

SUMMARY: A Notice of Intent was published in the Federal Register on May 17, 1990 (Vol. 55, No. 96, pages 20486 and 20487) indicating that an Environmental Impact Statement (EIS) would be prepared to develop a Trails Management Plan for the San Luis Obispo County portion of the Los Padres National Forest. That notice of Intent is hereby withdrawn.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice of withdrawal may be directed to Manuel Madrigal, ID Team Leader, Santa Lucia Ranger District, 1616 North Carlotti Drive, Santa Maria, CA 93454, (805) 925-9538.

David W. Dahl,

Forest Supervisor.

[FR Doc. 96-1269 Filed 1-25-96; 8:45 am]

BILLING CODE 3410-11-M

Supplement to the Final Environmental Impact Statement for the Mt. Hood Meadows Ski Area, Mt. Hood National Forest, Hood River County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to supplement a final environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare a supplement to the final environmental impact statement (EIS) for the Mt. Hood Meadows Ski Area on the Hood River Ranger District of the Mt. Hood National Forest. The final EIS and Record of Decision (ROD) for the Mt. Hood Meadows Ski Area were released in May 1991. The ROD was reversed by the Regional Forester in November 1991, based on inadequate cultural analysis. In May 1995, Mt. Hood Meadows Ski Resort submitted a revised application for a new Master Plan. The revised application proposes to expand the existing day use ski area to a full season ski/recreation area with increased capacity and permit area. It also withdraws their previous proposal to establish the ski area as a year-round destination resort with overnight housing. The alternatives will be revised based on the new proposed action and additional analysis that is conducted. The environmental analysis will be documented as a supplement to the existing analysis. The decision on a new master plan will be a conceptual decision that amends the Mt. Hood