

General, National External Audit Review Center, Lucas Place, Room 514, 323 West 8th Street, Kansas City, MO 64105.

(2) The HHS Office of Inspector General will distribute copies as appropriate within HHS. Recipients, therefore, are not required to send their audit reports to any other HHS officials. Recipients shall provide their Employer Identification Numbers (EIN) on the cover page of reports and submit along with the printed reports a computer disk containing the entire contents of the audit report a computer disk containing the entire contents of the audit report or at least the information in the report relating to HHS awards.

14. Section 74.33(b) is amended by adding two sentences at the beginning of the paragraph to read as follows:

**§ 74.33 Federally-owned and exempt property.**

\* \* \* \* \*

(b) For research awards to certain types of recipients, 31 U.S.C. 6306 authorizes HHS to vest title to property acquired with Federal funds in the recipient without further obligation to the Federal government and under conditions that HHS considers appropriate. Such property is "exempt property." \* \* \*

15. Section 74.34 is amended by adding a new paragraph (g)(4) to read as follows:

**§ 74.34 Equipment.**

\* \* \* \* \*

(g) \* \* \*

(4) If the recipient's project or program for which or under which the equipment was acquired is still receiving support from the same HHS program, and if the HHS awarding agency approves, the net amount due may be used for allowable costs of that project or program. Otherwise the net amount must be remitted to the HHS awarding agency by check.

\* \* \* \* \*

**§ 74.35 [Amended]**

16. Section 74.35(b)(2) is amended by adding the word "are" after "supplies".

**§ 74.44 [Amended]**

17. Section 74.44(a)(2) is amended by adding "recipient and the" before "Federal Government".

18. Section 74.44(e)(2) is amended by removing "small purchase threshold fixed at 41 U.S.C. 403(11) (currently \$25,000)" and replacing it with "simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently \$100,000)".

**§ 74.48 [Amended]**

19. Section 74.48(b) is amended by removing "small purchase threshold" and replacing it with "simplified acquisition threshold (currently \$100,000)".

**§ 74.81 [Amended]**

20. Section 74.81 is amended by adding "Transfer" after "Technology".

**§ 74.90 [Amended]**

21. Section 74.90(d) is amended by adding "the office responsible for awarding agency preliminary appeal process or, where none," after "e.g.,".

**Appendix A to Part 74 [Amended]**

22. Paragraph 2 of Appendix A is amended by removing "\$2,000" and replacing it with "\$100,000".

23. Paragraph 4 of Appendix A is amended by removing "\$2,000 for construction contracts and in excess of \$2500" and replacing it with "\$100,000 for construction contracts and".

24. Section 74.1(a)(3) is amended as an interim final rule by revising interim paragraph (a)(3) to read as follows:

**§ 74.1 Purpose and applicability.**

(a) \* \* \*

(3) HHS grants and agreements, and any subawards under such grants and agreements, awarded to carry out the entitlement programs identified at 45 CFR Part 92, § 92.4(a)(3), (a)(7), and (a)(8), except that §§ 74.12, 74.23, 74.25, and 74.52 of this part do not apply. Under these programs, requests to HHS from Governors or other duly constituted State authorities for waiver of single State agency requirements in accordance with 31 U.S.C. 6501-6508 will be given expeditious handling. Whenever possible, such requests will be granted.

\* \* \* \* \*

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**OFFICE OF PERSONNEL  
MANAGEMENT**

**45 CFR Part 801**

**Voting Rights Program**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule with request for comments.

**SUMMARY:** The Office of Personnel Management (OPM) is establishing a new office for filing applications or complaints under the Voting Rights Act of 1965, as amended. This designation is necessary to enforce the voting

guarantees of the Fourteenth and Fifteenth amendments to the Constitution. This amendment establishes Alameda County, California, as a new office for filing applications or complaints.

**DATES:** This rule is effective March 23, 1996. In view of the need for its publication without an opportunity for prior comment, comments will still be considered. To be timely, comments must be received on or before April 22, 1996.

**ADDRESSES:** Send or deliver comments to Barbara Matthews-Beck, Attorney, Office of Personnel Management, Room 7F10, 1900 E Street NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Matthews-Beck, (202) 606-1700.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Settlement Agreement and Order in *United States of America v. Alameda County, California, et al.*, C.A. No. 95-1266 (N.D. Cal. January 22, 1996), Alameda County has been designated as an additional examination point under the provisions of the Voting Rights Act of 1965, as amended. This designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973d, OPM will appoint Federal Examiners to review the qualifications of applicants to be registered to vote and Federal observers to observe local elections.

Under § 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OPM's legal responsibilities under 42 U.S.C. § 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and locations within these counties where citizens can be federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Under § 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in view of the pending election to be held in the subject county, where Federal observers will observe the election under the authority of the Voting Rights Act of 1965, as amended.

**Regulatory Flexibility Act**

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it adds one new location to the list of counties in the regulations concerning OPM's responsibilities under the Voting Rights Act.

**List of Subjects in 45 CFR Part 801**

Administrative practice and procedure, Voting rights.

U.S. Office of Personnel Management.  
James B. King,  
Director.

Accordingly, OPM is amending 45 CFR Part 801 as follows:

**PART 801—VOTING RIGHTS PROGRAM**

1. The authority citation for Part 801 continues to read as follows:

Authority: 5 U.S.C. § 1103; secs. 7, 9, 79 Stat. 440, 411 (42 U.S.C. §§ 1973e, 1973g).

2. Appendix A to Part 801 is amended under "Dates, Times, and Places for Filing" by adding alphabetically Alameda County of California to read as follows:

*Appendix A to Part 801*

\* \* \* \* \*

Dates, Times, and Places for Filing

\* \* \* \* \*

California

*County; Place for filing; Beginning date*  
Alameda; Oakland-U.S. Attorneys Office,  
Oakland Branch, 1301 Clay Street, Suite  
3405, Oakland, California, 94612  
(510) 637-3784 and (510) 637-3748; March  
23, 1996

\* \* \* \* \*

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BILLING CODE 6325-01-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 1**

[FCC 96-88]

**Computation of Time**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission makes three minor amendments to the Commission's computation of time rule. First, it adds an illustrative example to the rules to make more explicit that the three extra days added for service by mail where a response period is 10 days or less are calculated from the end of the filing

period regardless of whether the last day of the filing period is a business day or a holiday. Second, it provides that where any party is served by mail, and the response period is 10 days or less, the filing period for all parties (not just the ones served by mail) shall be extended the additional three days. Third, it provides that service by facsimile machine shall be treated as hand delivery, not service by mail. The intended effect of this action is to make the rule clearer and more fair.

**EFFECTIVE DATE:** March 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** David S. Senzel, Office of General Counsel (202) 418-1760.

**SUPPLEMENTARY INFORMATION:** Adopted: March 5, 1996; Released March 15, 1996.

1. In this order we make three minor amendments to the Commission's computation of time rule, 47 CFR 1.4. First, we add an illustrative example to the rules to make more explicit that the three extra days added for service by mail where a response period is 10 days or less are calculated from the end of the filing period regardless of whether the last day of the filing period is a business day or a holiday. Second, we provide that where any party is served by mail, and the response period is 10 days or less, the filing period for all parties (not just the ones served by mail) shall be extended the additional three days. Third, we provide that service by facsimile machine shall be treated as hand delivery, not service by mail.

2. Section 1.4(h) addresses the filing period for responding to pleadings that have been served on a party by mail. The rule states:

If a document is required to be served upon other parties by statute or Commission regulation and the document is in fact served by mail \* \* \* and the filing period<sup>1</sup> for a response is 10 days or less, an additional 3 days (excluding holidays) will be allowed for filing a response. \* \* \*

3. Section 1.4(j) governs the filing date for pleadings that would otherwise be due on a holiday (when the Commission is closed for business). It provides that:

If, after making all the computations provided for in this section, the filing date<sup>2</sup>

<sup>1</sup> Section 1.4(e)(3) provides: The term *filing period* means the number of days allowed or prescribed by statute, rule, order, notice or other Commission action for filing any document with the Commission. It does not include any additional days allowed for filing any document pursuant to paragraphs (g), (h) and (j) of this section.

<sup>2</sup> Section 1.4(e)(4) provides: The term *filing date* means the date upon which a document must be filed after all computations of time authorized by this section have been made.

falls on a holiday, the document shall be filed on the next business day. \* \* \*

4. Because Section 1.4(h) indicates that the three extra days for a response to a pleading served by mail where the response period is 10 days or less is based on the "filing period," not the "filing date," and because Section 1.4(j) says that the "filing date" is not calculated until after all other computations are made, the additional three days for service by mail are added without regard to whether the last day of the filing period is a holiday and would therefore not be the filing date if service were by hand. Thus, the first day to be counted for the extra three days is the first business day after the end of the filing period whether the filing period ends on a business day or a holiday. How the rule applies is demonstrated in *Summit Communications, Inc.*, 9 FCC Rcd 4833, n.1 (Cable Serv. Bur. 1994). In that case, a party filed a petition for reconsideration of a franchising authority's certification (47 CFR 76.911) on Thursday, October 28, 1993. The filing period for oppositions was 10 days (47 CFR 1.106(g)), so the filing period ended on Sunday, November 7. Service was made by mail, an additional three days were added following the end of the filing period on Sunday, November 7, and the opposition was due Wednesday, November 10. The fact that the "filing date" would have been moved forward from Sunday to Monday if there had not been mail service was irrelevant, since under the rules the filing date is not determined until after all other computations. Because a more recent staff decision interpreted the rule differently and incorrectly added the extra three days from the date the filing date would have been if service was by hand rather than from the end of the filing period, *see Falcon Cablevision*, 10 FCC Rcd 10409 n.3 (Cable Serv. Bur. 1995), we are amending the rule to be more explicit by adding an illustrative example setting out the correct interpretation of the rule.

5. We also amend Section 1.4(h) to provide that when one party is served by mail and the response period is 10 days or less, all parties should get the additional three days. This approach is most equitable because it avoids the possibility that some parties in multi-party litigation may be required to file their pleadings before others, giving others an opportunity to "preview" their arguments before filing their own pleading. We will therefore amend Section 1.4(h) to specify that if one party is served by mail and the response period is 10 days or less, all parties will be given the additional three days.