

standards of section 2(b)(2) of Executive Order 12778, Civil Justice Reform, dated October 25, 1991, 3 CFR, 1991 Comp., p. 359

List of Subjects in 44 CFR Part 206

Disaster assistance, Public assistance.

Accordingly, 44 CFR part 206 is proposed to be amended as follows:

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329, 5 U.S.C. App. I; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 CFR 12571, 3 CFR, 1989 Comp., p. 214.

2. Section 206.206(d) is revised to read as follows:

§ 206.206 Appeals.

* * * * *

(d) *Director.* (1) If the RD denies the appeal, the subgrantee may submit a second appeal to the Director. Such appeals shall be made in writing, through the grantee and the RD, and shall be submitted not later than 60 days after receipt of the notice of the RD's denial of the first appeal. The Director shall render a determination on the subgrantee's appeal within 90 days following the receipt of the appeal or shall make a request for additional information. Within 90 days following the receipt of such additional information the Director shall notify the grantee, in writing of the disposition of the appeal. If the decision is to grant the appeal, the RD will be instructed to take appropriate implementing action. Action by the Director is final.

(2) In appeals involving highly technical issues, the Director may, at his/her discretion, submit the appeal to an independent scientific or technical person or group having expertise in the subject matter of the appeal for advice and recommendation. Before making the selection of this person or group, the Director may consult with the grantee, subgrantee, or both.

(3) The Director may also submit appeals which he/she receives to persons who are not associated with FEMA's Response and Recovery Directorate office for recommendations on the resolutions of appeals.

(4) Within 60 days after the submission of a recommendation made pursuant to paragraphs (d) (2) and (3) of this section, the Director shall render a determination and notify the grantee of the disposition of the appeal.

* * * * *

Dated: October 16, 1996.

James L. Witt,

Director.

[FR Doc. 96-27176 Filed 10-23-96; 8:45 am]

BILLING CODE 6718-02-P

44 CFR Part 206

RIN 3067-AC58

Disaster Assistance; Snow Removal Assistance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule describes the facilities that are eligible for snow removal assistance as a result of an Emergency or Major Disaster declaration based on snow or blizzard conditions. Removal of snow from one lane in each direction along designated snow emergency routes, or similar types of roads in communities without designated snow emergency routes, and along streets that provide access from the designated routes to critical facilities is eligible for assistance. No other facilities are eligible for snow removal assistance.

DATES: We invite comments on this proposed rule and will accept comments until November 25, 1996.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) (202) 646-4536.

FOR FURTHER INFORMATION CONTACT: Gregory Ormsby, Engineer, Infrastructure Support Division, room 713, 500 C Street SW., Washington, DC 20472, (202) 646-2726.

SUPPLEMENTARY INFORMATION: Prior to the winter of 1976/1977, declarations by the Federal government for winter storm assistance under earlier disaster relief acts were rare. Only seven winter storm incidents were declared between 1953 and 1977, and most were the result of ice storms that caused enough damage to justify the declaration of major disasters. However, definitive policies and procedures were never developed by FEMA's predecessor agencies to describe the circumstances under which Federal disaster assistance for snow removal could be provided in the aftermath of winter storms.

Beginning in January 1977, and continuing through the winter of 1978/1979, the north central and northeastern states experienced an extraordinary series of winter storms that resulted in below normal temperatures, heavy

snowfall, and blizzards that threatened lives and public health and safety due to the disruption of emergency transportation facilities. During that period, 14 emergencies and one major disaster were declared by the President pursuant to the Disaster Relief Act of 1974, as amended. Although other types of emergency assistance were made available to save lives and protect public health and safety, the primary type of assistance provided from 1977 through 1979 was snow removal assistance to provide emergency access.

The Federal government's first official winter storm policy was developed in October 1978. The policy addressed emergency snow removal assistance required to provide emergency access to save lives and protect public health and safety. Eligibility for emergency measures other than snow removal was to be evaluated in accordance with other applicable rules and regulations. The policies established for eligibility included a requirement for the State to submit information on the nature and extent of the storm; threats to public health and safety; actions taken by the State and local governments; and the specific types of assistance required. Federal assistance was limited to 67 percent of total eligible costs.

The October 1978 policy was applied to two snow events that occurred during the winter of 1978/1979. Based on those two events, it was determined that the policy was not adequate to ensure that emergency snow removal assistance was supplemental, i.e., beyond State and local capabilities, and was provided in a uniform and consistent manner. As a result, the winter storm policy was changed in September 1979 to indicate that routine snow removal is a maintenance responsibility of State and local governments; that budgetary shortfalls were not to be used as justification for declaration; that State agencies were not eligible applicants; and to identify specific eligibility criteria and reimbursement levels. Federal assistance was reduced to 50 percent of total eligible costs.

Between 1979 and 1993, no emergencies or major disasters were declared for snowstorms or blizzards. A total of 14 major disasters were declared for other types of winter events. Except for changes in eligible applicants and the eligibility criteria for snow removal contained in 44 CFR 206.227, previous policies and procedures were not revised.

In 1993, 18 emergencies were declared by the President pursuant to the Stafford Act resulting from a severe winter storm that was categorized by the National Weather Service as a blizzard.

The basis for these declarations was the actual and potential loss of life, the widespread nature of the event, and the need to supplement State and local emergency response efforts. During 1994, 11 major disaster declarations were approved for winter storms that caused significant physical damage to public infrastructure. In addition to heavy snow in certain areas, freezing rain and icing caused extensive power outages and health and safety hazards. More recently in the Blizzard of 1996, 14 major disaster declarations were approved for excessive snowfall, commonly referred to as the Storm of the Century.

Eligible costs for snow declarations in 1993 included all costs necessary to remove snow from one lane in each direction along all eligible roads as defined in 44 CFR 206.227. In 1996, eligible costs included those associated with removing snow from one lane in each direction along designated snow emergency routes, or similar routes in communities without officially designated snow emergency routes. In addition, removing snow from one lane in each direction along routes that provide access from the designated snow emergency routes to critical facilities such as hospitals, fire stations, police stations, custodial care facilities, etc. The rule also provides assistance for search and rescue activities along all roads and highways during the snow emergency period. This proposed rule is consistent with guidance used for the 1996 declarations for the Blizzard of 1996 with the addition of the search and rescue work.

Following the declarations in 1993 and 1996, several States and municipalities expressed their view that the amount of assistance FEMA provided was not consistent with the Stafford Act. They argued that all assistance authorized by the Stafford Act should be available for declarations resulting from snow. It is FEMA's position that snow removal is generally a maintenance responsibility of the State and local governments. Also, generally there is no permanent damage to facilities resulting from snow. Federal involvement should be supplemental to the State and local efforts and should be limited to providing for emergency access to address health and safety needs.

National Environmental Policy Act

This proposed rule would be categorically excluded from the preparation of environmental impact statements and environmental assessments as an administrative action in support of normal day-to-day grant

activities. No environmental assessment or environmental impact statement has been prepared.

Regulatory Flexibility Act

The Director certifies that this proposed rule would not be a major rule under Executive Order 12291, and would not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, and is not expected (1) to affect adversely the availability of disaster assistance funding to small entities, (2) to have significant secondary or incidental effects on a substantial number of small entities, nor (3) to create any additional burden on small entities. Hence, no regulatory impact analysis has been prepared.

Paperwork Reduction Act

This proposed rule does not involve any collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 12612, Federalism

In promulgating this rule, FEMA has considered the Executive Order 12612, Federalism. This rule makes no changes in the division of governmental responsibilities between the Federal government and the States. Grant administration procedures in accordance with 44 CFR part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, remain the same. No Federalism assessment has been prepared.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, Civil Justice Reform, dated October 25, 1991, 3 CFR, 1991 Comp., p. 359.

List of Subjects in 44 CFR Part 206

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PART 206—[AMENDED]

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329, 5 U.S.C. App. 1; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

2. Section 206.227 is proposed to be revised to read as follows:

§ 206.227 Snow removal assistance

(a) The removal of snow from one lane in each direction along the following roads is eligible:

(1) Officially designated snow emergency routes.

(2) Roads similar to those listed in paragraph (a)(1) of this section in communities that do not have officially designated snow emergency routes.

(3) Roads that provide access from those listed in paragraphs (a) (1) and (2) of this section to critical facilities, such as emergency operations centers, police stations, hospitals and other critical care facilities.

(b) Snow emergency routes mean those roads posted as such that are required to remain clear of parked vehicles during designated snow emergencies to allow the passage of emergency vehicles.

(c) Search and rescue operations on roads and highways are eligible.

Dated: October 16, 1996.

James L. Witt,

Director.

[FR Doc. 96-27175 Filed 10-23-96; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No.96-209, RM-8885]

Radio Broadcasting Services; Belview, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Harbor Broadcasting, Inc., proposing the allotment of Channel 290A to Belview, Minnesota, as that community's first local broadcast service. The coordinates for Channel 290A are 44-42-08 and 95-14-46. There is a site restriction 12.4 kilometers (7.7 miles) northeast of the community.

DATES: Comments must be filed on or before December 2, 1996, and reply comments on or before December 17, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Thomas Lijewski, President, Harbor Broadcasting, Inc., 111 Marquette Avenue, No. 1501, Minneapolis, Minnesota 55401.