

equipment. To comply with either of the two compliance programs, operators of the affected buses must use equipment which has been certified by the Agency.

Emissions requirements under either of the two programs depend on the availability of retrofit/rebuild equipment certified for each engine model. Engelhard has requested that this application be considered under Program 2 only. Therefore, certification of this equipment will not trigger any requirements under Program 1. Equipment certified for Program 2 must provide some level of PM reduction that can in turn be claimed by urban bus operators when calculating their average fleet PM levels attained under the program.

II. Notification of Intent To Certify

By a notification of intent to certify dated October 24, 1994, Engelhard Corporation has applied for certification of equipment applicable to certain petroleum-fueled diesel engines, DDC 6V92TA MUI engines, used in urban buses of 1989 and earlier model years. The notification of intent to certify states that the candidate equipment will be certified at a maximum particulate matter (PM) emission level of 0.25 g/bhp-hr. Since this application is being submitted only under Program 2, and life cycle cost data is not required, certification will permit the use of this retrofit/rebuild equipment but will not specifically require its usage; nor will certification lead to more stringent emission standards for operators of fleets using the engines affected. The use of the equipment by transit operators to meet Program 2 requirements is discussed further below.

Major components of the candidate equipment are: (1) A muffler containing an oxidation catalyst, which takes the place of the original exhaust system muffler; (2) and a rebuild kit which incorporates a ceramic in-cylinder coating. The notification of intent to certify states that the candidate equipment is applicable to the following engines:

Manufacturer	Engine model	Model years
DDC	6V92TA MUI .	1979-1989

Engelhard presents exhaust emission data from testing the equipment on a recently rebuilt 1985 model year DDC 6V92TA MUI engine documenting PM emissions using the heavy-duty engine Federal Test Procedure. The PM emissions from this test equalled 0.22 g/bhp-hr. Exhaust testing with the equipment installed also showed that hydrocarbon (HC), carbon monoxide

(CO), and oxides of nitrogen (NOx), emissions were less than the federal emission standards for 1987. Smoke emission measurements for the engine with the candidate equipment installed indicate compliance with applicable standards.

Engelhard has requested certification only under Program 2. Engelhard is applying for certification to a post rebuild PM level of 0.25 g/bhp-hr with the equipment installed on the DDC 6V92TA MUI engine. If the Agency approves Engelhard's request to certify this candidate equipment, urban bus operators who choose to comply with Program 2 of the urban bus regulation may use this equipment, but it would not be specifically required. If this equipment is certified, operators under Program 2 using this equipment will use the PM emission level(s) established during the certification review process, in the calculations for fleet level attained (FLA).

At a minimum, EPA expects to evaluate this notification of intent to certify, and other materials submitted as applicable, to determine whether there is adequate demonstration of compliance with: (1) The certification requirements of § 85.1406, including whether the testing accurately substantiates the claimed emission reduction or emission levels; and, (2) the requirements of § 85.1407 for a notification of intent to certify.

The Agency requests that those commenting also consider these regulatory requirements, plus provide comments on any experience or knowledge concerning: (a) Problems with installing, maintaining, and/or using the candidate equipment on applicable engines; and, (b) whether the equipment is compatible with affected vehicles.

The date of this notice initiates a 45 day period during which the Agency will accept written comments relevant to whether or not the equipment described in the Engelhard notification of intent to certify should be certified pursuant to the urban bus retrofit/rebuild program. Interested parties are encouraged to review the notification of intent to certify and provide comments during the 45 day period. Please send separate copies of your comments to each of the above addresses.

The Agency will review this notification of intent to certify, along with comments received from interested parties, and attempt to resolve or clarify issues as necessary. During the review process, the Agency may add additional documents to the docket as a result of the review process. These documents

will also be available for public review and comment within the 45 day period.

Richard Wilson,

Acting Assistant Administrator for Air and Radiation.

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BILLING CODE 6560-50-P

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

Institute of Museum Services

45 CFR Part 1180

Competitive Grants Technical Amendments

AGENCY: Institute of Museum Services, NFAH.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Institute of Museum Services issues proposed amendments to regulations relating to its General Operating Support and Conservation Project Support grant programs. The regulations as amended implement the Museum Services Act. The amendments make technical and other changes in the eligibility conditions, use of funds, audit requirements, amount of awards, and remove unneeded provisions.

DATES: Comments must be received on or before May 1, 1995.

ADDRESSES: Comments should be addressed to Mamie Bittner, Public Information Officer, Institute of Museum Services, Room 510, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Rebecca Danvers, Program Director, Telephone: (202) 606-8539.

SUPPLEMENTARY INFORMATION:

General Background

The Museum Services Act ("the Act" which is Title II of the Arts, Humanities and Cultural Affairs Act of 1976, was enacted on October 8, 1976 and amended in 1980, 1982, 1984, 1985, and 1990). The purpose of the Act is stated in section 202 as follows:

It is the purpose of the Museum Services Act to encourage and assist museums in their educational role in conjunction with formal systems of elementary, secondary, and post secondary education and with programs of non-formal education for all age groups: to assist museums in modernizing their methods and facilities so that they may be better able to conserve our cultural, historic, and scientific heritage and to ease the financial burden borne by museums as

a result of their increasing use by the public.

The Act establishes an Institute of Museum Services (IMS) consisting of a National Museums Services Board and Director.

The Act provides that the National Museum Services Board shall consist of fifteen members appointed for fixed terms by the President with the advice and consent of the Senate. The Chairman of the Board is designated by the President from the appointed members. Members are broadly representative of various museum disciplines, including those relating to science, history, technology, art, zoos, and botanical gardens; of the curatorial, educational, and cultural resources of the United States; and of the general public. The Board has the responsibility for establishing the general policies of the Institute. The Director is authorized, subject to the policy direction of the Board, to make grants under the Act to museums.

IMS is an independent agency placed in the National Foundation on the Arts and the Humanities (National Foundation). Pub. L. 101-512 Nov. 5, 1990. The Act lists a number of illustrative activities for which grants may be made, including assisting museums to improve their operations.

The Need for the Amendment

The proposed amendment to the regulations are intended to simplify application requirements and make the programs more accessible to the applicants by making audit requirements apply evenly to all applicants, to make awards more responsive to the needs of applicants by increasing the maximum amount of conservation awards by distributing general operating awards more broadly across high quality museums and by assisting in program evaluation.

Amendment by Amendment Analysis

1. Eligibility for applying for General Operating Support (GOS) grants.

Amendment 1 amends § 1180.5 which states the eligibility requirements that a museum must meet in order to be considered for a grant from the Institute. The Institute proposes an additional criteria for applicants to the General Operating Support program which would prohibit a museum from applying if it had two consecutive awards in the immediately preceding 2-year cycles, effective 1996. For example, if a museum applied for and received a two-year GOS award in 1996 and applied for and received a two-year GOS award in 1998, it would not be eligible to apply for a third award in 2000, but

would be eligible to apply in 2001. However, if a museum applied for and received a two-year GOS award in 1996, and either did not apply in 1998 or applied for but did not receive an award in 1998, it would be eligible to apply for an award in 1999. The result of this change will allow a higher number of museums operating at high levels to benefit from the GOS program awards, and therefore provide greater benefit. The criteria would apply to applicants to the General Operating Support program only. The year 2000 would be the first deadline affected by this proposed rule.

2. Maximum awards for Conservation Project Support grants.

Amendment 2 revises § 1180.20(f)(1) which states that IMS normally makes a conservation award of no more than \$25,000. The Institute proposes to raise the amount to \$50,000. This increase will provide for the needs of museums to pursue more expensive projects to implement the recommendations of general conservation surveys and of institutional long range conservation plans.

3. Deleting "Special Project" from regulatory language.

Amendments 4 through 9 amend several regulations to remove references to a category of assistance no longer available. The Institute proposes to remove the term "Special Project" from the sections of the regulations provided below. The "Special Project" grant program has not been offered by the Institute since 1984. These changes have no impact on any other program and are made solely for clarification. The following sections will have references to "Special Project" removed: §§ 1180.17, 1180.35, 1180.40 (reserved), 1180.41, 1180.45, 1180.48 through 1180.50, 1180.58 and 1180.59.

4. Requiring final reports from recipients of assessment grants.

Amendment 10 revises § 1180.75(d) which states that a museum receiving a grant for an assessment need not submit a financial report or a performance report. The Institute intends to require reports from grantees for assessments so that the Institute will be better able to evaluate the effectiveness of assessment programs. The final reporting period would be extended beyond the normal deadline of 90 days after the close of the grant period to allow the museum to report on actions taken as a result of the assessment.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and

recommendations may be sent to the address given at the beginning of this document. All comments submitted on or before May 5, 1995, will be considered before the Director issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, at the Institute of Museum Services, room 510, 1100 Pennsylvania Ave., NW, Washington, DC between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Executive Order 12291

These proposed amendments have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the Order.

List of Subjects in 45 CFR Part 1180

Grant programs, Museums, National Boards.

Dated: February 28, 1995.

Diane B. Frankel,

Director, Institute of Museum Services.

The Institute of Museum Services proposes to amend part 1180, subchapter E of chapter XI of title 45 of the Code of Federal Regulations as set forth below:

SUBCHAPTER E—INSTITUTE OF MUSEUM SERVICES

PART 1180—GRANTS REGULATIONS

1. The authority citation for part 1180 is revised to read as follows:

Authority: 20 U.S.C. 961-969; Pub. L. 97-100, 95 Stat. 1414; Pub. L. 97-394, 96 Stat. 1994; 29 U.S.C. 794.

1a. Section 1180.5 is amended by adding paragraph (f) to read as follows:

§ 1180.5 Eligibility and burden of proof—Who may apply.

* * * * *

(f) In a given year, a museum that has not received two consecutive General Operating Support awards in the immediately preceding two-year cycles is eligible to apply to General Operating Support.

2. Section 1180.20 is amended by revising paragraph (f)(1) to read as follows:

§ 1180.20 Guidelines and standards for conservation projects.

* * * * *

(f) *Limits for Federal funding.* (1) The normal maximum amount of a Conservation Project Support grant will

be established through a notice published in the **Federal Register**. Beginning in FY 1996, the normal maximum amount is \$50,000. Unless otherwise provided by law, if the Director determines that exceptional circumstance warrant, the Director, consistent with the policy direction of the Board, may award a conservation grant which obligates an amount in Federal funds in excess of the normal maximum award. IMS may establish a maximum award level for exceptional project grants for a particular fiscal year through information made available in guidelines or other material distributed to all applicants.

* * * * *

3. Section 1180.17 is revised to read as follows:

§ 1180.17 Reports.

In its final reports a grantee shall briefly detail how the expenditure of the grant funds has satisfied the proposed use of the funds as stated in its General Operating Support application or has accomplished the proposal as set forth in its application and has served the purpose of the Act as reflected in the applicable evaluation criteria in § 1180.14.

Section 1180.35 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1180.35 Group applications.

(a) Eligible museums may apply as a group for a project grant.

(b) If a group of museums applies for a grant, the members of the group shall either:

- (1) Designate one member of the group to apply for the grant; or
- (2) Establish a separate, eligible legal entity, consisting solely of the museum group, to apply for the grant.

* * * * *

§ 1180.40 [Reserved]

5. Section 1180.40 is removed and reserved.

6. Section 1180.41 is amended by revising paragraph (a) to read as follows:

§ 1180.41 The cost analysis; basis for grant amount.

(a) Before the Director sets the amount of a grant, a cost analysis of the project is made which involves an examination of:

- (1) The cost data in the detailed budget for the project;
- (2) Specific elements of cost; and
- (3) The necessity, reasonableness, and allowability under applicable statutes and regulations.

* * * * *

7. Section 1180.45 is amended by revising the heading and paragraph (a) to read as follows:

§ 1180.45 Use of consultants.

(a) Subject to Federal statutes and regulations, a grantee shall adhere to its general policies and practices when it hires, uses, and pays a consultant as part of the staff.

* * * * *

8. Sections 1180.48 through 1180.50 and 1180.58 are revised to read as follows:

§ 1180.48 General conditions on publications.

(a) *Content* of materials. Subject to any specific requirements that apply to its grant, a grantee may decide the format and content of materials that it publishes or arranges to have published.

(b) *Required Statement*. The grantee shall ensure that any publication that contains materials also contains the following statement:

The contents of this (insert type of publication, e.g., book, report, film) were developed in whole or in part under a grant from the Institute of Museum Services. However, the contents do not necessarily represent the policy of the Institute, and endorsement by the Federal Government should not be assumed.

§ 1180.49 Copyright policy for grantees.

A grantee may copyright materials in accordance with government-wide policy applicable to copyright of publications developed under Federal grants.

§ 1180.50 Definition of "materials."

As used in §§ 1180.48 through 1180.49, *materials* means a copyrightable work developed in whole or in part with funds from a grant from the Institute.

§ 1180.58 Records related to performance.

(a) A grantee shall keep records revealing progress and results under the grant.

(b) The grantee shall use the records under paragraph (a) of this section to:

- (1) Determine progress in accomplishing objectives; and
- (2) Revise those objectives, if necessary, and authorized under the grant.

9. Section 1180.59 is amended by revising paragraph (a) to read as follows:

§ 1180.59 Applicability.

(a) Subparts B and C (§§ 1180.30 through 1180.58) apply to General Operating Support assistance, except as otherwise provided in these regulations.

* * * * *

10. Section 1180.75 is amended by revising paragraph (d) to read as follows:

§ 1180.75 Funding and award procedures.

* * * * *

(d) A museum receiving assistance under this subpart must submit a final financial and narrative report that evaluates the success of the assessment and actions taken by the museum as a result of the assessment. IMS may request the report be submitted up to 12 months after the close of the grant period.

(20 U.S.C. 96-969)

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[FR Doc. 95-5341 Filed 3-3-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 94-070]

RIN 2115-AE98

Facsimile Filing of Instruments

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its vessel documentation regulations to provide for optional filing of commercial instruments by facsimile, and to establish a filing and recording handling fee for filing instruments by facsimile. The option of filing commercial instruments by facsimile complements the centralization of Coast Guard vessel documentation services. Facsimile filing of commercial instruments is one way in which a centralized vessel documentation center can deliver timely services to distant vessel documentation customers and be responsive to time sensitive matters. Filing commercial instruments by facsimile should further streamline the vessel documentation process.

DATES: Comments must be received on or before May 5, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 94-070), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for