

Comment: With respect to the submittal of Advance Planning Document Updates, one commenter noted that meeting the timeframe for submitting an APD may be problematic due to new Federal requirements, identification of proposed project changes and the internal State review process.

Similarly, another commenter expressed concern that the timeframe will be difficult for some States to meet and encouraged ACF to actively seek out States to which this section applied to ensure they understand the importance of meeting this critical deadline.

Response: The regulations at 45 CFR 95.605(3)(b), indicate that a State must submit an As Needed APD Update when significant changes are expected to a project. We have identified and worked with the States affected by this requirement and have either granted final or conditional approval of their APD Updates. None of the concerned States were adversely affected by this requirement.

Comment: On a miscellaneous issue, one commenter noted that paragraph (b) has been reserved under 45 CFR 95.641 or 45 CFR 1355.55 and questioned this.

Response: The issue raised by the commenter merely speaks to a regulatory drafting requirement. Under regulatory drafting rules it is inappropriate to refer to a paragraph designated as "(a)" without referencing a "(b)" cite. There are no plans to add to this section.

Failure to Meet the Condition of the Approved APD

Comment: One commenter thought that it was unclear whether recoupment of enhanced FFP applies only to those components of the APD that are required under 45 CFR 1355.53. States could develop an APD that proposes to develop an automated system that included some permissive components, develop required components and then fail to get sufficient funding to complete the permissive components. States should not be penalized for revising the APD downward as long as they meet the minimum requirements.

Response: While we would hope that States would ensure that their plans are realistic prior to submittal, States would not be penalized in cases where optional automation plans were dropped, unless such changes negatively affected either the cost-effectiveness of the system or the State's ability to complete the project successfully. In such cases, if a State pulled back on discretionary items, we

would simply recalculate funding to make the necessary adjustments.

Comment: Another commenter noted that § 1355.56 provides that failure to meet the conditions of these regulations may result in an approved APD being suspended while at the same time recognizing that penalties are provided for failure to comply with the AFCARS regulations. The commenter was concerned that this could put States in the position of being unable to meet AFCARS because of a loss of SACWIS funding.

Response: We would like to clarify that the loss of funding discussed with respect to § 1355.56 refers only to enhanced funding for SACWIS and good systems planning would ensure that no State is put in the position of losing this funding.

We agree that there is a strong interrelationship between AFCARS implementation and SACWIS development and for this reason have allowed States to implement their SACWIS on a phased based to ensure that AFCARS requirements are met expeditiously.

Cost allocation

Comment: One commenter expressed interest that we acknowledge that systems transfer from another State may not be the best solution, but shared development (and funding) program to program in the State be encouraged.

Another asked that we provide more detail on cost allocation.

Response: We agree that systems transfer from another State may not be the best solution in SACWIS design and, as indicated in the preamble to the interim final rule, plan to be flexible in our consideration of State analysis provided in the APD for not going this route in SACWIS development.

For information regarding the effect of shared development on cost allocation or for detailed specification of the cost allocation requirement, please see our action transmittal, ACF-OISM-AT-95-001.

Regulatory Impact Analysis

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. An assessment of the costs and benefits of available regulatory alternatives (including not regulating) demonstrated that the approach taken in the regulation is the most cost-effective and least burdensome while still achieving the regulatory objectives.

Regulatory Flexibility Analysis

Consistent with the Regulatory Flexibility Act (Pub. L. 96-354) which requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities, the Secretary certifies that this rule has no significant effect on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

List of Subjects

45 CFR Part 1355

Adoption and foster care, Child welfare, Data collection, Definitions grant programs—Social programs

45 CFR Part 1356

Adoption and foster Care, Administrative costs, Child welfare, Fiscal requirements (title IV-E), Grant programs—social programs, Statewide information systems

(Catalog of Federal Domestic Assistance Program No. 13.658, Foster Care Maintenance, 13.659, Adoption Assistance and 13.645, Child Welfare Services—State Grants)

Approved: April 5, 1995.

Mary Jo Bane,

Assistant Secretary for Children and Families.

Accordingly, the interim rule amending 45 CFR Parts 1355 and 1356 which was published at 58 FR 67939 on December 22, 1993, is adopted as a final rule with the following change:

PART 1355—GENERAL

1. The authority citation for Part 1355 continues to read as follows:

Authority: 42 U.S.C. 620 et seq., 42 U.S.C. 670 et seq.; 42 U.S.C. 1301 and 1302.

§ 1355.53 [Amended]

2. Section 1355.53(b)(3) is amended by replacing the reference to "section 427" in the first line with a reference to "section 422."

[FR Doc. 95-11909 Filed 5-18-95; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 35)]

Rail General Exemption Authority—Exemption of Ferrous Recyclables

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: Pursuant to its authority, the Commission is exempting from regulation the transportation by rail of iron and steel scrap (STCC No. 40-211) and steel shipping containers (STCC No. 34-912). These commodities are added to the list of exempt commodities, as set forth below.

EFFECTIVE DATE: June 18, 1995.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: On August 24, 1994, at 59 FR 43528, we requested comments on a proposal by the Association of American Railroads (AAR) and the Institute of Scrap Recycling Industries, Inc. (ISRI) (collectively, petitioners), to exempt from regulation under 49 U.S.C. 10505 the rail transportation of certain ferrous recyclables. After receiving and analyzing the comments filed in this proceeding, we now partially approve petitioners' proposal. We exempt iron and steel scrap (STCC No. 40-211) and steel shipping containers (STCC No. 34-912) from regulation, but decline at this time to exempt blast furnace, open hearth, rolling mill, or coke oven products, NEC (STCC No. 33-119).

We reaffirm our initial finding that the exemption will not significantly affect either the quality of the human environment or the conservation of energy resources.

We also reaffirm our initial finding that the exemption will not have a significant economic impact on a substantial number of small entities.

For further information, see the Commission's printed decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, NW., Room 2229, Washington, DC 20423. Telephone (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

List of Subjects in 49 CFR Part 1039

Intermodal transportation, Manufactured commodities, Railroads.

Decided: April 28, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1039 of the Code of Federal Regulations is amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for part 1039 continues to read as follows:

Authority: 49 U.S.C. 10321 and 10505; and 5 U.S.C. 553.

2. In § 1039.11, paragraph (a), the following new entries are added at the end of the table to read as follows:

§ 1039.11 Miscellaneous commodities exemptions.

(a) * * *

STCC No.	STCC tariff	Commodity
* * *	* * *	* * *
34 912	6001-W, eff. 1-1-95..	Steel shipping containers.
40 211do	Iron and steel scrap.

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[FR Doc. 95-12338 Filed 5-18-95; 8:45 am]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 950106003-5070-02; I.D. 051595G]

Pacific Halibut Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason action; vessel clearance procedures.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes this inseason action pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of the Pacific halibut stock in order to help sustain it at an adequate level in the northern Pacific Ocean and Bering Sea. **EFFECTIVE DATE:** March 15, 1995, through December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Stephen Pennoyer, 907-586-7221; William W. Stelle, Jr., 206-526-6140; or Donald McCaughran, 206-634-1838.

SUPPLEMENTARY INFORMATION: The IPHC, under the Convention between the United States of America and Canada for the preservation of the Halibut

Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by NMFS (60 FR 14651, March 20, 1995). On behalf of the IPHC, this inseason action is published in the **Federal Register** to provide additional notice of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

Inseason Action

1995 Bering Sea Halibut Vessel Clearance Procedures

All halibut vessels fishing in Area 4A must obtain a vessel clearance from a designated fish processor either in Akutan or Dutch Harbor both prior to fishing, and prior to unloading.

All halibut vessels fishing in Area 4B must obtain a vessel clearance from Atka Pride Seafoods in Nazan Bay on Atka Island, both prior to fishing and prior to unloading and/or departure from Area 4B. The vessel operator must obtain the clearance required prior to fishing, in person. The clearance required after fishing may be obtained in person, or via VHF radio (call on VHF channel 6) as long as the person granting the clearance can visually confirm the identity of the vessel. Vessels that fish only in Area 4B and land their entire annual halibut catch at a port within Area 4B are exempt from the vessel clearance requirements.

All halibut vessels fishing in Area 4C and 4D must obtain a vessel clearance prior to fishing from a designated fish processor in either Akutan or Dutch Harbor. The vessel clearance required prior to unloading must be obtained at St. George or St. Paul, either in person, or via VHF radio as long as the person granting the clearance can visually confirm the identity of the vessel. Clearance at St. George can be obtained from the harbor master (call on VHF channel 16). Clearance at St. Paul can be obtained from either Trident Seafoods (call on VHF channel 73) or from Unisea (call on VHF channel 74). Vessels that only fish in Area 4C and land their total annual halibut catch at a port within Area 4C are exempt from the vessel clearance requirements. Vessels that fish only in Area 4D and 4E, and land their total annual halibut catch at a port within Areas 4D, 4E, or the Bering Sea closed area, are also exempt from the vessel clearance requirements.