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#### *Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities. It pertains only to the administration of grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations.

#### *Executive Order 12612, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this rule does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government.

#### *Executive Order 12606, The Family*

The General Counsel, as the Designated Official under Executive Order 12606, *the Family*, has determined that this rule does not have potential significant impact on family formation, maintenance, and general well-being. It pertains only to the administration of grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations.

#### *Semi-Annual Agenda of Regulations*

This rule was listed as item number 1384 in the Department's Semiannual Agenda of Regulations published on May 8, 1995 (60 FR 23368, 23379) in accordance with Executive Order 12866 and the Regulatory Flexibility Act.

#### **List of Subjects in 24 CFR Part 84**

Accounting, Colleges and universities, Grant programs, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements.

Accordingly, subpart E of part 84 of title 24 of the Code of Federal Regulations is adopted as final, without change, as it was published on September 13, 1994, at 59 FR 47010.

Dated: June 13, 1995.

**Henry G. Cisneros,**

*Secretary.*

[FR Doc. 95-14962 Filed 6-19-95; 8:45 am]

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## **DEPARTMENT OF JUSTICE**

### **Office of Justice Programs**

#### **28 CFR Part 93**

[OJP No. 1014]

RIN 1121-AA26

#### **Drug Courts**

**AGENCY:** U.S. Department of Justice, Office of Justice Programs.

**ACTION:** Final rule.

**SUMMARY:** This notice announces the Final Rule on the Drug Court Program as authorized by Title V of the Violent Crime Control and Law Enforcement Act of 1994. The Rule gives general guidance regarding the Program and specifically delineates the prohibition on participation by violent offenders. Detailed Program Guidelines and application materials for the Fiscal Year 1995 Drug Courts Program were issued by the Drug Courts Program Office on March 23, 1995. The Final Rule does not differ from the Proposed Rule published on January 26, 1995 (60 FR 5152).

**DATES:** The Final Rule is effective June 20, 1995.

**ADDRESSES:** All inquiries, correspondence, and requests for information should be addressed to Tim Murray, Acting Director, Drug Courts Program Office, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531.

**FOR FURTHER INFORMATION CONTACT:** The Department of Justice Response Center at 1-800-421-6770 or (202) 307-1480 or Tim Murray, Acting Director, Drug Courts Program Office, Office of Justice Programs at (202) 616-5001.

#### **SUPPLEMENTARY INFORMATION:**

##### **Overview of Title V—Drug Courts**

Federal discretionary grants are made available under the Violent Crime Control and Law Enforcement Act of 1994, Title V, Pub. L. 103-322, 108 Stat. 1796 (September 13, 1994), 42 U.S.C. 3796ii-3796ii-8 [hereinafter the "Act"] to States, units of local government, Indian tribal governments, and State and local courts for assistance with Drug Court Programs. The Act gives the Attorney General and through statutory authority contained in the Omnibus Crime Control and Safe Streets Act, 42

U.S.C. 3711 *et seq.*, an authorized designee (in this case the Assistant Attorney General for the Office of Justice Programs), the authority to make grants to the above mentioned entities for Drug Court Programs that involve continuing judicial supervision over non-violent offenders with substance abuse problems and the integrated administration of sanctions and services including: (1) Mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant; (2) substance abuse treatment for each participant; (3) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and (4) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant requiring such services.

The Fiscal Year 1995 Department of Justice Appropriations Act, Pub. L. 103-317, allocated \$29 million for the Drug Court grant programs. Eligibility of applicants to receive grants will be based on requirements of the statute and these regulations, as well as assurances and certifications specified in the detailed program guidelines and application materials published by the Drug Courts Program Office of the Office of Justice Programs on March 23, 1995 and available from that Office.

The Department issued a Proposed Rule on January 26, 1995 (60 FR 5152). The Final Rule being published herein is unchanged from the Proposed Rule and closely mirrors the authorizing statute. Application guidelines addressing the logistics of the Program and its implementation were issued on March 23, 1995. Copies of the Drug Court Program Guidelines are available directly from the DOJ Response Center or the Drug Courts Program Office.

#### **Discussion of Comments**

The Office of Justice Programs received sixteen letters commenting on the proposed regulations, primarily from State and local government (including district attorneys and criminal justice planning agencies). Comments are on file in the Drug Courts Program Office and are available for review. All comments were considered by the Drug Courts Program Office in the issuance of its Application Guidelines and in the review of this

Final Rule. The Office of Justice Programs thanks all those who commented on this program.

Commentators unanimously voiced their support for the Department's efforts to implement the Program and offered positive suggestions for the essential element of the regulation, the exclusion of violent offenders definition. Commentators also noted concerns in other areas, including the design and type of services provided in programs for Drug Court participants, judicial supervision, participation with local agencies, defendants' rights, and available funding.

The majority of comments focused on the definition of the term "violent offender." While all agreed that such individuals should be excluded and that the definition worked toward achieving that result, some were concerned with its potential breadth. The Department gave much consideration to this particular definitional issue in drafting the Proposed Rule and the subsequent guidelines. Indeed, a careful survey of the comments made in preparation for publication of the Final Rule provided an opportunity for the Department to revisit many of these concerns. Our reexamination, however, suggested that our original approach is appropriate in that it tracks the language of the Act.

We appreciate those comments received regarding program design, treatment availability, and services provided. We emphasized in the preamble of the Proposed Rule, as we do now, that the Department will accept a variety of approaches. Indeed, rather than prescribing one model, the Program Guidelines appropriately encourage flexibility in developing local Drug Court programs. Localities are encouraged to tailor intervention approaches best suited to address local circumstances. Within the boundaries set by the statute, the Department is committed to maintaining flexibility to avoid any restrictions on localities that would tend to limit development to one particular design. The design flexibility provided for local Drug Court programs, similarly, allows grantees to develop an array of services appropriate to the local constituent population served, thereby avoiding the need to specify a list of particular services as a prerequisite for participation.

We received comments concerning the potential impact of Drug Court programming on the rights of individual defendants. Guidelines require participation by the entire criminal justice system including courts, prosecutors and public defenders, to ensure effective programming and that

the rights of individual defendants are protected.

The issue of judicial supervision raised by some commentators is a central feature of the program. According to the terms of the statute, judicial supervision must be ongoing. Therefore, it has been retained as a seminal program requirement for all Drug Court programming.

Some commentators focused on the issue of the overall effectiveness of the Program nationally and the role of evaluations in that effort. Assessments and evaluations of Drug Court programs will be carried out by individual grantees in consultation with the National Institute of Justice (NIJ) and other appropriate agencies. It is the Department's intention to review data provided by individual program grantees nationwide to help evaluate the overall effectiveness of the Drug Court Program. NIJ-sponsored impact and process evaluations will focus in more depth on selected Drug Courts funded under this Program.

#### **Administrative Requirements**

This regulation has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. This rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and, accordingly, this rule has not been reviewed by the Office of Management and Budget.

The Assistant Attorney General for the Office of Justice Programs, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

#### **List of Subjects in 28 CFR Part 93**

Grant programs, Judicial administration.

For the reasons set out in the preamble, Title 28, Chapter 1, of the Code of Federal Regulations is amended by adding a new Part 93, consisting of Subpart A as set forth below.

### **PART 93—PROVISIONS IMPLEMENTING THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994**

#### **Subpart A—Drug Courts**

Sec.

- 93.1 Purpose
- 93.2 Statutory Authority
- 93.3 Definitions
- 93.4 Grant Authority
- 93.5 Exclusion of Violent Offenders

#### **Subpart B—[Reserved]**

**Authority:** 42 U.S.C. 3796ii–3796ii–8.

#### **Subpart A—Drug Courts**

##### **§ 93.1 Purpose.**

This part sets forth requirements and procedures to ensure that grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, exclude violent offenders from participation in programs authorized and funded under this part.

##### **§ 93.2 Statutory authority.**

This program is authorized under the Violent Crime Control and Law Enforcement Act of 1994, Title V, Public Law 103–322, 108 Stat. 1796, (September 13, 1994), 42 U.S.C. 3796ii–3796ii–8.

##### **§ 93.3 Definitions.**

(a) *State* has the same meaning as set forth in section 901(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(b) *Unit of Local Government* has the same meaning as set forth in section 901(a)(3) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(c) *Assistant Attorney General* means the Assistant Attorney General for the Office of Justice Programs.

(d) *Violent offender* means a person who either—

(1) Is currently charged with or convicted of an offense during the course of which:

(i) The person carried, possessed, or used a firearm or other dangerous weapon; or

(ii) There occurred the use of force against the person of another; or

(iii) There occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict; or

(2) Has previously been convicted of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

##### **§ 93.4 Grant authority.**

(a) The Assistant Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve:

(1) Continuing judicial supervision over offenders with substance abuse problems who are not violent offenders, and

(2) The integrated administration of other sanctions and services, which shall include—

(i) Mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(ii) Substance abuse treatment for each participant;

(iii) Diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

(iv) Programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

(b) Applications for grants under this program shall be made at such times and in such form as may be specified in guidelines or notices published by the Assistant Attorney General. Applications will be evaluated according to the statutory requirements of the Act and the programmatic goals specified in the applicable guidelines. Grantees must comply with all statutory and program requirements applicable to grants under this program.

#### **§ 93.5 Exclusion of violent offenders.**

(a) The Assistant Attorney General will ensure that grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, exclude violent offenders from programs authorized and funded under this part.

(b) No recipient of a grant made under the authority of this part shall permit a violent offender to participate in any program receiving funding pursuant to this part.

(c) Applicants must certify as part of the application process that violent offenders will not participate in programs authorized and funded under this part. The required certification shall be in such form and contain such assurances as the Assistant Attorney General may require to carry out the requirements of this part.

(d) If the Assistant Attorney General determines that one or more violent offenders are participating in a program receiving funding under this part, such funding shall be promptly suspended, pending the termination of participation by those persons deemed ineligible to

participate under the regulations in this part.

(e) The Assistant Attorney General may carry out or make arrangements for evaluations and request information from programs that receive support under this part to ensure that violent offenders are excluded from participating in programs hereunder.

#### **Subpart B—[Reserved]**

**Laurie Robinson,**

*Assistant Attorney General, Office of Justice Programs.*

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### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 80**

[FRL-5222-2]

#### **Notice of Administrator's Intent To Permit Filing of Reformulated Gasoline and Anti-Dumping Reports via Electronic Data Interchange (EDI); Deadline for First Quarter Batch Reports**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Reporting procedures and extension of reporting deadline.

**SUMMARY:** The reformulated gasoline (RFG) and anti-dumping regulation requires that specified parties submit compliance reports. These reports are to be submitted via forms and procedures specified by the Administrator. Today, EPA is announcing its intent to permit properly filed electronic reports. EPA is also announcing that it is extending by one month the deadline for the first submission of quarterly batch reporting from May 31, 1995 to June 30, 1995. Thus, first quarter reports for 1995 only must be submitted by midnight June 30, 1995. This extension applies to all parties whether submitting paper forms or submitting electronically.

**EFFECTIVE DATE:** This action is effective on June 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** For general questions about RFG reporting, contact Mike Marmen, U.S. Environmental Protection Agency, ATTN: REFGAS, 401 M Street SW. (6406-J), Washington, D.C. 20460, (202) 233-9028. For technical assistance with electronic reports, contact Andy Lowe by calling either (202) 233-9027 or by calling 800-395-6222 and instructing the operator to send a brief text message to PIN 259-0639. For questions regarding the Terms and Conditions

Memorandum, contact Anne-Marie Cooney Pastorkovich at (202) 233-9013.

**SUPPLEMENTARY INFORMATION:** Parties who need assistance may also contact the EPA staff through REFGAS@EPAMAIL.EPA.GOV. A copy of this notice and copies of the "Terms and Conditions" memorandum described below may be obtained from Anne-Marie Cooney Pastorkovich or from Angela Young, (202) 233-9010, or by accessing the bulletin board system described elsewhere in this **SUPPLEMENTARY INFORMATION** section.

A copy of this action is available on the OAQPS Technology Transfer Network Bulletin Board System (TTNBBS). The TTNBBS can be accessed with a dial-in phone line and a high-speed modem (PH# 919-541-5742). The parity of your modem should be set to none, the data bits to 8, and the stop bits to 1. Either a 1200, 2400, 9600 or 14,400 baud modem should be used. When first signing on, the user will be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following series of menus:

- (M) OMS
- (K) Rulemaking and Reporting
- (3) Fuels
- (9) Reformulated gasoline

A list of ZIP files will be shown, all of which are related to the reformulated gasoline rulemaking process. Today's action will be in the form of a ZIP file and can be identified by the following titles: EDINOTE.ZIP. To download this file, type the instructions below and transfer according to the appropriate software on your computer:

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<D>ownload, <P>rotocol, <E>xamine,
<N>ew, <L>ist, or <H>elp Selection or
<CR> to exit: D filename.zip
```

You will be given a list of transfer protocols from which you must choose one that matches with the terminal software on your own computer. The software should then be opened and directed to receive the file using the same protocol. Programs and instructions for de-archiving compressed files can be found via <S>ystems Utilities from the top menu, under <A>rchivers/de-archivers. Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

#### **I. Introduction**

##### **RFG and Anti-Dumping Program Reporting Requirements, Generally**

The primary purpose of the Federal reformulated gasoline (RFG) and anti-