Dated at Rockville, Maryland, this 22th day of September 1995.

For the Nuclear Regulatory Commission. Ledyard B. Marsh,

Director, Project Directorate I-1, Division of Reactor Projects—I/II Office of Nuclear Reactor Regulation.

[FR Doc. 95–24224 Filed 9–28–95; 8:45 am] BILLING CODE 7590–01–P

OFFICE OF THE FEDERAL REGISTER

Procedures for Publication of Federal Register Documents During a Funding Hiatus

AGENCY: Office of the Federal Register. **ACTION:** Notice of special procedures.

SUMMARY: Due to the possibility of a lapse in appropriations and in accordance with the provisions of the Antideficiency Act, as amended by Public Law No. 101–508, 104 Stat. 1388 (31 U.S.C. 1341), the Office of the Federal Register (OFR) announces special procedures for agencies submitting documents to be published in the Federal Register.

In the event of an appropriations lapse, the OFR would be required to publish documents directly related to the performance of governmental functions necessary to address imminent threats to the safety of human life or protection of property. Since it would be impracticable for the OFR to make case-by-case determinations as to whether certain documents are directly related to activities that qualify for an exemption under the Antideficiency Act, the OFR will place responsibility on agencies submitting documents to certify that their documents relate to emergency activities authorized under the Act.

During a funding hiatus affecting one or more Federal agencies, the OFR will remain open to accept and process documents authorized to be published in the daily Federal Register in the absence of continuing appropriations. An agency wishing to submit a document to the OFR during a funding hiatus must attach a transmittal letter to the document which states that publication in the Federal Register is necessary to safeguard human life, protect property, or provide other emergency services consistent with the performance of functions and services exempted under the Antideficiency Act.

Under the August 16, 1995 opinion of the Office of Legal Counsel of the Department of Justice, exempt functions and services would include activities such as those related to the constitutional duties of the President, food and drug inspection, air traffic control, responses to natural or manmade disasters, law enforcement and supervision of financial markets. Documents related to normal or routine activities of Federal agencies, even if funded under prior year appropriations, will not be published.

At the onset of a funding hiatus, the OFR may suspend the regular three-day publication schedule to permit a limited number of exempt personnel to process emergency documents. Agency officials will be informed as to the schedule for filing and publishing individual documents.

FOR FURTHER INFORMATION CONTACT: Richard Claypoole or Michael White, (202) 523–4534.

Authority

The authority for this action is 44 U.S.C. 1502 and 1 CFR 2.4 and 5.1.

Dated: September 28, 1995.
Richard L. Claypoole,
Director of the Federal Register.
[FR Doc. 95–24535 Filed 9–28–95; 11:09 am]
BILLING CODE 1505–02–M

OFFICE OF MANAGEMENT AND BUDGET

Guidelines and Instructions for Implementing Section 204, "State, Local, and Tribal Government Input," of Title II of Public Law 104–4

AGENCY: Office of Management and Budget.

ACTION: Memorandum for Heads of Departments and Agencies.

SUMMARY: On March 22, 1995, the President signed into law the "Unfunded Mandates Reform Act of 1995" (P.L. 104–4). This notice provides guidance to agencies on the Act.

FOR FURTHER INFORMATION CONTACT: Jeff Hill, 395–7340.

Attached to this notice is the material for inclusion in the Federal Register. Dated: September 25, 1995.

John B. Arthur,

Assistant Director for Administration.

Memorandum for the Heads of Departments and Agencies

FROM: Alice M. Rivlin, Director. SUBJECT: Guidelines and Instructions and Implementing Section 204, "State, Local, and Tribal Government Input," of Title II of P.L. 104–4.

On March 22, 1995, President Clinton signed into law the "Unfunded Mandates Reform Act of 1995" (P.L. 104–4) (the "Act"). Section 204(a) of the Act requires that—

"Each agency shall, to the extent permitted in law, develop an effective process to permit elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates." ¹

Section 204(b) of the Act provides an exemption from the Federal Advisory Committee Act (5 U.S.C. App.) for intergovernmental consultations involving intergovernmental responsibilities or administration.

Section 204(c) requires the President to issue guidelines and instructions to Federal agencies "for appropriate implementation" of both of these provisions "consistent with applicable laws and regulations." In accordance with the President's delegation of authority, OMB is today issuing those guidelines and instructions.³

I. The Process for Intergovernmental Consultation

It is important that this intergovernmental consultation process not only achieves meaningful input, but also builds a better understanding among Federal, State, local, and tribal governments. As described in Part II, below, the process required by the Federal Advisory Committee Act is not to act as a hindrance to full and effective intergovernmental consultation.

A. What Agencies Are Covered?

The process for intergovernmental consultation called for by Section 204(a) applies to all Federal agencies (as

¹ The Act's consultation requirement builds on that set forth by President Clinton on October 26, 1993, in Executive Order No. 12875. In order "reduce the imposition of unfunded mandates upon State, local, and tribal governments," the Executive order requires agencies, when they seek to impose unfunded mandates upon State, local, or tribal governments through a regulation, to provide to the Director of the Office of Management and Budget "a description of the extent of the agency's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, any written communications submitted to the agency by such units of government, and the agency's position supporting the need to issue the regulation containing the mandate" (Sec. 1(a)(2)).

² See 60 Fed. Reg. 45039 (August 29, 1995).
³ Portions of these guidelines and instructions are based on OMB Memorandum M-94-10, entitled "Guidance for Implementing E.O. 12875, Reduction of Unfunded Mandates,'" issued by Director Leon E. Panetta on January 11, 1994. These guidelines and instructions are not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. Neither are these guidelines and instructions intended, nor should they be construed, to limit the availability of any exclusion from the Federal Advisory Committee Act contained in that Act or any applicable regulations.