

with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 8F3607/R2184] (including any objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number [PP 8F3607/R2184], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at: opp-Docket@epamail.epa.gov.

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will

transfer any objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 30, 1995.

Stephen L. Johnson,
Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.473, by revising paragraph (a), to read as follows:

§ 180.473 Glufosinate ammonium; tolerances for residues.

(a)(1) Time-limited tolerances are established for residues of the herbicide glufosinate ammonium (butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-, monoammonium salt) and its metabolite, 3-methylphosphinopropionic acid, in or on the following raw agricultural commodities:

Commodity	Parts per million	Expiration date
Almond hulls	0.50	July 13, 1999
Apples	0.05	Do.
Cattle, fat	0.05	Do.
Cattle, meat	0.05	Do.
Cattle, mbyp	0.10	Do.
Goats, fat	0.05	Do.
Goats, meat	0.05	Do.
Goats, mbyp	0.10	Do.
Grapes	0.05	Do.
Hogs, fat	0.05	Do.
Hogs, meat	0.05	Do.
Hogs, mbyp	0.10	Do.
Horses, fat	0.05	Do.
Horses, meat	0.05	Do.
Horses, mbyp	0.10	Do.
Milk	0.02	Do.
Sheep, fat	0.05	Do.
Sheep, meat	0.05	Do.
Sheep, mbyp	0.10	Do.
Tree nuts group	0.1	Do.

(2) Residues in these commodities not in excess of the established tolerances resulting from the uses described in paragraph (a)(1) of this section remaining after expiration of the time-limited tolerance will not be considered to be actionable if the herbicide is applied during the term of and in accordance with the provisions of paragraph (a)(1) of this section.

* * * * *

[FR Doc. 95-30117 Filed 12-12-95; 8:45 am]

BILLING CODE 6560-50-F

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES**45 CFR Part 1180****Institute of Museum Services: General Operating Support, Conservation Project Support, Museum Assessment Program, Conservation Assessment Program**

AGENCY: Institute of Museum Services, NFAH.

ACTION: Final rule.

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

EFFECTIVE DATE: December 13, 1995.

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, 1988, 1990, 1991, 1993 and 1994). 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 and conservation.

The Need for the Amendment

The amendments to the regulations are intended to make the programs more responsive to the needs of applicants by increasing the maximum amount of conservation awards, by distributing general operating awards more broadly among high quality museums and by assisting in program evaluation.

Proposed Amendments and Public Comment

A notice of proposed rulemaking was published March 6, 1995, 60 Federal Register, 12186-12188. The preamble to the notice of proposed rulemaking contained an amendment-by-amendment analysis explaining the purpose of each amendment. The discussion is not repeated here. Public comment was invited on the proposed amendments to determine the necessity and appropriateness of the proposed changes.

General Operating Support

The Institute received 260 comments regarding § 1180.5 which would establish eligibility criteria for the General Operating Support program making museums that have not received two consecutive GOS awards eligible to apply and making museums that have received two consecutive GOS awards ineligible to apply in the immediately succeeding cycle. This criteria will be effective beginning with the 1996 competition. Therefore, the deadline for the fiscal year 2000 competition would be the first deadline for which this criteria would affect an institution's eligibility to compete for a General Operating Support award.

Of the commenters, 222 favored the proposed rule. Those who supported the

change expressed the belief that many deserving, worthy museums compete for GOS awards without success. These commenters see broadening the distribution to make awards to more museums a highly desirable outcome of such a change. Supporters said this change would prevent museums from becoming dependent on the award. Some supporters believe, also, that the current status allows the "rich to get richer" and that receiving the award creates a perpetuating cycle of future awards. Some supporters said this change would help small museums. Others said it is a better way to broaden distribution of GOS funds than further reducing the amount of award.

Commenters opposing the change, said that it was inconsistent with the main role of GOS to reward and recognize the highest quality museums.

The Institute agrees that the issue of recognizing the high quality of museum operations is important. However, the Institute believes that many very high quality museums currently compete and do not receive awards. The Institute believes the broader distribution resulting from implementing the proposed criteria will not negatively affect recognition of high quality museums. The Institute further believes the change will encourage museums in aspiring to higher levels of operation in order to attain the award, as they will perceive that chances for receiving the award are greater.

Some commenters who opposed this change believe it is detrimental to small museums. The Institute believes the procedures established for the General Operating Support program ensure an equitable representation of small museums in the awards. The Institute does not anticipate that small museums will be negatively affected by this change. The Institute believes the change is equitable for museums of all sizes and types and applies equally to every institution.

Some commenters stated that this change is premature in relation to the other recent changes in GOS that reduce the maximum amount of the award and change to a two-year grant period. The Institute has received positive reaction to the previous changes in the grant period and the amount of the award. The Institute believes that this change reinforces the efforts by the Institute to broaden the distribution of these funds as was intended with the previous changes, and, therefore, is an appropriate action.

Conservation Project Support

The institute received five comments regarding §1180.20, which would

increase the maximum amount of an award generally made for the Conservation Project Support program. Four commenters supported the change by indicating that this change is an appropriate response to rising costs for conservation activities. The Institute agrees that the change is appropriate. The commenter opposing the change believes that research for species survival projects will be neglected by zoos, who may choose to use the larger amount for changing in-house environments. The Institute has no evidence that zoos will make this choice. Historically, the projects for species survival have been more numerous than any other type of project submitted by zoos.

Other

No comments were received regarding removing references to "Special Project" grants from the regulations or regarding the requirement of final reports on Museum Assessment Program grants or Conservation Assessment Program grants.

The Institute has considered all comments and has again reviewed the necessity and appropriateness of the proposed changes. In light of this consideration and review, following consultation with the National Museum Services Board, the Institute has determined that the amendments to regulations should be adopted as proposed in the March 6, 1995 notice. The final regulations set forth below reflect this determination.

Executive Order 12866

These amendments have been reviewed in accordance with Executive Order 12866. They are classified as non-major because they do not meet the criteria of major regulations established in the Order.

List of Subjects in 45 CFR Part 1180

Grant programs, Museums, National Boards.

Dated: December 4, 1995.

Mamie Bittner,

Director of Public and Legislative Affairs.

The Institute of Museum Services amends Part 1180 Subchapter E of Chapter XI of Title 45 of the Code of Federal Regulations as set forth below:

PART 1180—GRANTS REGULATIONS

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

Authority: 20 USC 960-968.

2. Section § 1180.5 is amended by adding a new paragraph (f):

§ 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 for General Operating Support.

3. 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 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.

* * * * *

4. 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 § 1180.13.

5. Section § 1180.35 is amended by revising its heading and 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 [Removed and reserved]

6. Section 1180.40 is removed and reserved.

7. Section 1180.41 is revised to read as follows:

§ 1180.41 The cost analysis; basis for grant amount.

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

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

8. Section 1180.45 is amended by revising 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.

* * * * *

9. Section 1180.48 is 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.

10. Section 1180.49 is revised to read as follows:

§ 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.

11. Section 1180.50 is revised to read as follows:

§ 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.

12. Section 1180.58 is revised to read as follows:

§ 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.

13. Section 1180.59 is revised to read as follows:

§ 1180.59 Applicability.

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

14. 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 that the report be submitted up to 12 months after the close of the grant period.

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[20 U.S.C. 961-68]

[FR Doc. 95-30016 Filed 12-12-95; 8:45 am]

BILLING CODE 7036-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 92-29; Notice 7; Docket No. 93-06; Notice 4; Docket No. 93-07; Notice 4]

RIN 2127-AF96; 2127-AF97; 2127-AF98; 2127-AF99

Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking; and Stopping Distance Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule, petitions for reconsideration.

SUMMARY: This document responds to petitions for reconsideration of a final rule that amended Standard No. 105, *Hydraulic Brake Systems*, and Standard No. 121, *Air Brake Systems*, to require

medium and heavy vehicles be equipped with an antilock brake system (ABS). This document also responds to petitions for reconsideration of final rules that established 60 mph stopping distance requirements for hydraulic-braked heavy vehicles and reinstated such requirements for air-braked heavy vehicles.

DATES: Effective Dates: The amendments to § 571.101 are effective January 12, 1996, the amendments to § 571.105 are effective March 1, 1999, and amendments to § 571.121 are effective March 1, 1997.

Compliance dates: Compliance with the amendments to 49 CFR 571.101 and 49 CFR 571.105 with respect to hydraulic-braked vehicles will be required on and after March 1, 1999. Compliance with 49 CFR 571.101 and 49 CFR 571.121 with respect to air-braked tractors will be required on and after March 1, 1997 and compliance with 49 CFR 571.101 and 49 CFR 571.121 with respect to air-braked trailers and single unit trucks and buses will be required on and after March 1, 1998.

Petitions for Reconsideration: Any petitions for reconsideration of this rule must be received by NHTSA no later than January 12, 1996.

ADDRESSES: Petitions for reconsideration of this rule should refer to the above referenced docket numbers and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. George Soodoo, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202) 366-5892.

For legal issues: Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202) 366-2992.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Petitions for Reconsideration
- III. Definitions Related to Antilock Brake Systems
 - A. Definition of Antilock Brake Systems
 - B. Directly Controlled Wheel
 - C. Independent Wheel Control
- IV. Overall Brake Test Sequence
 - A. Performance Test Sequence
 - B. Brake Adjustment During Test Sequence
 - C. Final Brake Inspection in Test Sequence
- V. Braking-In-A-Curve Test
 - A. General Considerations
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- VI. Stopping Distance Performance

- A. Stopping Distance Requirements
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- C. Wheel Lockup Restrictions
- D. Burnish Procedure
- E. Definition of Nonsteerable Axle
- VII. ABS Malfunction Indicator Lamps
 - A. In-cab Malfunction Lamp for Trailer ABS
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- IX. Applicability of Amendments and Leadtime
 - A. Hydraulic-Braked Vehicles
 - B. Class 3 Vehicles
 - C. Four-Wheel Drive Vehicles
 - D. Trailers and Dollies
- X. Miscellaneous
 - A. National Uniformity
 - B. Publish Complete Regulatory Texts and Compliance Test Procedures
 - C. Costs
 - D. Corrections to Standard No. 101 and Standard No. 105

I. Background

On March 10, 1995, NHTSA published three final rules that amended the agency's brake standards for medium and heavy vehicles.¹ (60 FR 13216). One of those final rules requires heavy vehicles to be equipped with an antilock brake system (ABS) to improve the directional stability and control of these vehicles during braking.² The other two final rules announced NHTSA's decision to reinstate stopping distance requirements for air-braked heavy vehicles and to establish such requirements for hydraulic-braked heavy vehicles. (60 FR 13286, 13297)

As specified in the ABS final rule, in addition to the ABS requirement, truck tractors are required to comply with a 30-mph braking-in-a-curve test using a full brake application on a low coefficient of friction surface representing a wet surface. All powered heavy vehicles are also required to be equipped with an in-cab lamp to indicate ABS malfunctions. Truck tractors and other towing vehicles are required to be equipped with two separate in-cab lamps: one indicating malfunctions in the towing vehicle ABS and the other indicating malfunctions in the ABS on one or more towed trailers and/or dollies. Trailers (including dollies) produced during an initial eight-year period are also required to be equipped with an external malfunction

¹ Hereinafter referred to as "heavy vehicles."

² Hereinafter referred to as "the ABS final rule."