

and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: February 16, 1996.

ADDRESSES: Comprehensive information on this Site is available through the EPA Region 4 public docket, which is located at the Region 4 office and is available for viewing by appointment only from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the regional public docket should be directed to the EPA Region 4 Docket Office.

The address for the Regional Docket Office is: Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone No. (404) 347-3555, extension 6217

Background information from the regional public docket is also available for viewing at the Site information repository located at the following address: Pearl Public Library, 3470 Highway 80 East, Pearl, Mississippi 39208, Telephone No. (601) 932-2562.

FOR FURTHER INFORMATION CONTACT: Betty L. Winter, Community Involvement Specialist, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street NE., Atlanta, Georgia 30365, (404) 347-2643 ext. 6264.

SUPPLEMENTARY INFORMATION: EPA announces the deletion of the Flowood Site in Rankin County, Mississippi from the National Priorities List (NPL), which is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to 42 U.S.C. section 9605 (40 CFR 300.425(e)(3) of the NCP), any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action.

EPA published a Notice of Intent to Delete the Flowood Site from the NPL on June 15, 1995 in the Federal Register (60 FR 31440). EPA received no comments on the proposed deletion; and, therefore, no responsiveness summary is necessary for attachment to this Notice of Deletion. Deletion of a site from the NPL does not affect the responsible party liability or impede

agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: January 12, 1996.

Phyllis P. Harris,
Acting Regional Administrator, EPA Region 4.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 191 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site "Flowood Site, Flowood, Mississippi".

[FR Doc. 96-3281 Filed 2-15-96; 8:45 am]

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DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Part 60-250

RIN 1215-AA62

Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era; Correction

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the Office of Federal Contract Compliance Programs (OFCCP) final regulations implementing the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212), which were published January 5, 1995 (60 FR 1986). Those final regulations incorporated, among other things, statutory changes in the mandatory job listing obligations of Federal contractors and subcontractors. The statutory changes eliminated the \$25,000 per year salary ceiling and otherwise broadened the scope of job

openings that Federal contractors and subcontractors must list with the State employment service.

EFFECTIVE DATE: February 16, 1996.

FOR FURTHER INFORMATION CONTACT: Joe N. Kennedy, Deputy Director, Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 219-9475 (voice) and 1-800-326-2577 (TDD). Copies of this correction document are available in the following alternate formats at the above office: electronic file on computer disk, large print and audio tape.

SUPPLEMENTARY INFORMATION:

Background

Prior to amendment in 1994, the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212) ("VEVRAA" or "Section 4212"), required that Federal contractors and subcontractors covered by VEVRAA must list "all * * * suitable employment openings" with the appropriate local employment service office. VEVRAA required those offices, in turn, to give priority referrals to veterans for such openings. This obligation to list job openings with the local employment service office is often referred to as the "mandatory listing" requirement. Although Section 4212 did not define the term "all * * * suitable employment openings," this term was defined in OFCCP implementing regulations at 41 CFR 60-250.4(h).

Section 702(a) of the Veterans' Benefits Improvements Act of 1994 (Pub. L. 103-446, 108 Stat. 4645, 4674 (1994)), expanded the scope of the employment openings to be listed with the State employment service office by dropping the word "suitable" from the statutory phrase "all * * * suitable employment openings," broadly defining the term "all * * * employment openings," and limiting the exceptions to the mandatory listing requirement.

The statutory amendment to the mandatory listing requirement does not list all of the exceptions to mandatory listing permitted previously by OFCCP regulations. The amendment eliminated the salary ceiling of \$25,000 per year which was in the OFCCP regulations, and now requires the listing of all employment openings except executive and top management positions, positions that will be filled from within the contractor's organization, and positions lasting three days or less. The final regulation published on January 5, 1995, amended OFCCP's regulation at

41 CFR 60-250.4, which contains the affirmative action clause for disabled veterans and veterans of the Vietnam era. Specifically, OFCCP intended to amend the paragraphs prescribing the employment openings to be listed with the State employment service in order to make the VEVRAA affirmative action clause consistent with the 1994 statutory amendment.

Need for Correction

A few inadvertent errors were made in the January 5, 1995, rule amending the VEVRAA affirmative action clause. First, two sentences at the end of paragraph (b) relating to contractors' reporting obligations, which were not changed by the statutory amendment, were inadvertently left out of the published final rule. Second, part of paragraph (g) refers to an exemption no longer permitted under the statutory amendment, that is, openings to be filled pursuant to a "customary and traditional employer-union hiring arrangement," and such reference should have been deleted. Third, minor errors of punctuation were made in the authority citation for 41 CFR Part 60-250. As described below, these errors were inadvertent, clerical mistakes that need correction.

The two sentences at the end of paragraph (b) that were inadvertently left out of the final rules read as follows:

The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required.

State and local government agencies holding Federal contracts of \$10,000 or more shall also list all their employment openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

These two sentences involve VEVRAA-related reporting responsibilities, and it must be highlighted that the 1994 statutory amendments did not amend the VEVRAA reporting requirements. OFCCP only intended to make regulatory revisions on January 5, 1995, that were nondiscretionary changes mandated by the 1994 statutory amendments. Indeed, the final rule evoked the good cause exemption under the Administrative Procedure Act, 5 U.S.C. 553(b)(B), for dispensing with the issuance of a proposal and the provision of public notice and comment procedures because it was a "nondiscretionary, ministerial action which merely incorporates, without change, two statutory amendments into pre-existing regulations." 60 FR 1986. Making substantive changes to the

reporting requirements, including what amounts to eliminating an exemption from certain reporting for State and local government agencies holding covered Federal contracts, was beyond OFCCP's statutory authority without providing the public with notice and an opportunity to comment. The agency's intent to retain the reporting provisions in paragraph (b) is also evidenced by the fact that other reporting provisions were left in the affirmative action clause in paragraph (d), which explicitly reference the provisions in (b) that were mistakenly left out of the January 5 Federal Register publication.

Regarding paragraph (g), as noted above, the statutory amendments expressly limited the number of exemptions from the mandatory listing requirement and did not provide for the exemption in paragraph (g) for openings to be filled pursuant to a "customary and traditional employer-union hiring arrangement." In accordance with the 1994 Congressional mandate, the January 5, 1995, final rule removed the reference to the employer-union exemption in paragraph (h)(1) and deleted the definition of the term that had appeared in paragraph (h)(4). The language in paragraph (g) referring to exemptions for openings which the contractor proposes "to fill pursuant to a customary and traditional employer-union hiring arrangement" is also contrary to the 1994 statutory amendments, and the agency intended to eliminate it. Accordingly, paragraph (g) is revised by deleting all references to exemptions for employer-union arrangements.

In addition, this publication makes minor technical corrections involving the punctuation of the authority citation for 41 CFR Part 60-250.

All of the above errors were inadvertent, clerical mistakes that are within OFCCP authority to correct.

Waiver of Proposed Rulemaking

These amendments correct inadvertent errors in the January 5, 1995, final regulations that were a nondiscretionary, ministerial action which merely sought to incorporate, without change, statutory amendments into pre-existing regulations. Publication of these technical corrections in proposed form serves no useful purpose, and therefore is unnecessary and contrary to the public interest within the meaning of the Administrative Procedure Act (5 U.S.C. 553(b)(B)). Thus, good cause exists to dispense with notice of proposed rulemaking.

Effective Date

Pursuant to 5 U.S.C. 553(d) the undersigned have determined that good cause exists for making these correcting amendments effective upon publication. This determination is based upon the fact that these correcting amendments are nondiscretionary, ministerial actions which merely incorporate, without change, a statutory amendment into preexisting regulations. Moreover, the rules that are being corrected were made effective upon their publication on January 5, 1995. Accordingly, it is unnecessary and contrary to the public interest to delay the effective date of these corrections and, therefore, this regulation will be effective upon publication.

List of Subjects in 41 CFR Part 60-250

Administrative practice and procedure, Civil Rights, Employment, Equal employment opportunity, Government contracts, Government procurement, Investigations, Veterans.

Signed at Washington, D.C. this 9th day of February 1996.

Bernard E. Anderson,

Assistant Secretary for Employment Standards.

Shirley J. Wilcher,

Deputy Assistant Secretary for Federal Contract Compliance.

PART 60-250—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

For the reasons set forth above, 41 CFR Part 60-250 is corrected by making the following correcting amendments:

1. The authority citation for Part 60-250 is revised to read as follows:

Authority: 38 U.S.C. 4211 and 4212; 29 U.S.C. 793; Executive Order 11758 (3 CFR 1971-1975 Comp. p. 841).

2. Section 60-250.4 is corrected by adding two sentences to the end of paragraph (b) and by revising paragraph (g) to read as follows:

§ 60-250.4 Affirmative action clause.

* * * * *

(b) * * * The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required. State and local government agencies holding Federal contracts of \$10,000 or more shall also list all their employment openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

* * * * *

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to

openings which the contractor proposes to fill from within his own organization. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside his own organization for that opening.

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[FR Doc. 96-3425 Filed 2-15-96; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

42 CFR Parts 57 and 58

RIN: 0906-AA38

Grants for Construction of Teaching Facilities, Educational Improvements, Scholarships, and Student Loans and Grants for Training of Public Health and Allied Health Personnel

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final regulation.

SUMMARY: This final rule revises existing regulations which govern various Public Health Service (PHS) health professions, nursing, and allied health training grant, scholarship, traineeship, and loan programs. The affected regulations are amended primarily by the Health Professions Extension Amendments of 1992 which: Renumbered the various PHS Act section numbers and their corresponding United States Code numbers; repealed the authority for the National Advisory Council on Health Professions Education; and repealed and eliminated various title VII and VIII health professions, nursing, and allied health training grant and traineeship programs. Some of the currently codified regulations no longer reflect the current provisions of the statute and are not modifiable as such and, therefore, are also being removed from the Code of Federal Regulations (CFR). The definition of "State" is being revised in each of the program regulations in accordance with the 1994 Compact of Free Association with [the Republic of] Palau. Other changes for consistency are made to the regulations and are technical or clarifying in nature.

EFFECTIVE DATE: These regulations are effective February 16, 1996.

FOR FURTHER INFORMATION CONTACT: Betty B. Hambleton, Chief, Planning, Evaluation, and Legislation Branch, Office of Research and Planning, Bureau of Health Professions, Health Resources and Services Administration, room 8-67, Parklawn Building, 5600 Fishers

Lane, Rockville, Maryland 20857; telephone: (301) 443-1590.

SUPPLEMENTARY INFORMATION: This final rule amends various Public Health Service (PHS) health professions, nursing, and allied health training grant, traineeship, scholarship, and student loan program regulations under title 42, parts 57 and 58 to bring these programs into conformity with statutory amendments made to the various sections of the PHS Act under titles VII and VIII. The following ministerial and technical changes are being made to the various titles VII and VIII programs:

(1) The Health Professions Extension Amendments of 1992, Pub. L. 102-408, reorganized and renumbered the sections in the Public Health Service (PHS) Act and their corresponding United States Code numbers. Technical changes affecting the various programs under titles VII and VIII are being made to revise the PHS section numbers in the regulations (see part 57, subparts C, H, I, L, Q, S, V, CC, DD, EE, FF; part 58, subparts C, and D);

(2) The reference to former sections 799A and 845 of the PHS Act (referenced in each of our regulatory sections entitled, "*What additional Department regulations apply to grantees?*") codified under 45 CFR part 83 is being revised to read "section 794" and "section 855" of the PHS Act. The footnote to the citation "45 CFR part 83" is being deleted (see part 57, subparts C, D, F, H, L, Q, R, S, V, Y, Z, CC, DD, EE, FF, OO, and PP; and part 58, subparts C and D). Former section 799A, 42 U.S.C. 295h-9, "Discrimination on Basis of Sex Prohibited" was redesignated as section 704 by Pub. L. 94-484 and was renumbered as section 794 (42 U.S.C. 295m) by Pub. L. 102-408. Former section 845 was redesignated as section 855 (42 U.S.C. 298b-2), "Prohibition Against Discrimination by Schools on the Basis of Sex" by Pub. L. 94-63;

(3) Pub. L. 102-408 amended title VII programs by repealing the National Advisory Council on Health Professions Education effective October 1, 1992. Therefore, in accordance with the repealing of this National Advisory Council, as it affects the evaluation and recommendation process of awarding grant applications, the Department is removing the definition of "Council" and the reference to the National Advisory Council on Health Professions Education in the various programs to reflect current statutory language under section 798(a)(2)(A) of the PHS Act (see part 57, subparts H, L, Q, S, V, EE, and FF);

(4) Section 212 of Pub. L. 102-408 amended section 851 of the PHS Act by

revising the title of the National Advisory Council on Nurse Training to read "National Advisory Council on Nurse Education and Practice". Therefore, the Department is revising the reference to the Advisory Council's name in the following nursing programs: part 57, subparts Y and Z;

(5) Pub. L. 101-219, the 1994 Compact of Free Association with [the Republic of] Palau, ended the United States' responsibility for Palau under the Trusteeship Agreement (the Trust Territories of the Pacific Islands). The reference to the "Trust Territories of the Pacific Islands" in the definition of "State" is removed (see part 57, subparts C, D, F, H, L, Q, R, S, V, Y, Z, CC, DD, EE, FF, OO, and PP; and part 58, subparts C, and D); the reference to "Trust Territories of the Pacific Islands (TTPI)" in the program regulations (regarding eligibility in relation to a resident, citizen, or national of the United States) is removed (see part 57, subparts C, D, F, S, CC, and DD; part 58, subpart D). The reference to Palau is now stated as "the Republic of Palau".

(6) The reference to former section 705 of the PHS Act (now renumbered as section 798(e)) concerning audit and inspection requirements is being removed. The reference to section 705 is redundant to the requirements that are already covered under 45 CFR part 74—Administration of Grants, which is referenced in each training grant regulatory section entitled, "*What other audit and inspection requirements apply to grantees?*" (see part 57, subparts H, L, Q, S, V, CC, DD, EE, FF, and OO; and part 58, subparts C & D);

(7) Additionally, the parenthetical phrase citing the OMB approval number "0915-0060" regarding information collection requirements at the end of each regulatory section entitled, "*What other audit and inspection requirements apply to grantees?*", is no longer necessary and is also being removed (see part 57, subparts H, L, Q, S, V, EE, and FF, and OO);

(8) The preamble also includes discussions on those subparts under parts 57 and 58 that are no longer viable programs (see part 57, subparts T, AA, HH, and NN; and part 58, subparts A, B, E, and F). Some of these regulations no longer reflect the current provisions of the statute and are not modifiable as such, or their legislative authorities have expired or were eliminated or repealed by Pub. L. 102-408. Therefore, the above subparts are being removed and placed in reserve status in the CFR.

Additional revisions to the following programs, implemented by the Health Resources and Services Administration, Bureau of Health Professions, codified