

notice, special directive, and any other issuance that the Department may classify as a directive. *Handbook* means a directive that communicates information of a permanent nature (including clarification of policies, instructions, guidance, procedures, forms, and reports) for HUD staff or program participants. Its permanent nature distinguishes a Handbook from other temporary HUD directives such as notices.

As part of the Department's continued commitment to empowering communities, the Assistant Secretary for Community Planning and Development is redelegating in this document additional authority to HUD's Secretary's Representatives. Each Secretary's Representative is redelegated limited authority to issue waivers of Department directives, including handbook provisions, for CPD program for the geographic area for which the Secretary's Representatives is responsible. The Secretary's Representative is concurrently redelegated the same authority to waive Department directives concerning CPD programs as reside with the Directors of CPD for the Field Offices in the geographic area. The Program Director and the Secretary's Representative must jointly concur in all requests for waivers, whether the request is granted or denied. If the Secretary's Representative and the Program Director do not agree, the matter will be referred to the Assistant Secretary for CPD for resolution. If the Secretary's Representative further redelegates his or her authority to a State and Area Coordinator, and the Program Director and State and Area Coordinator disagree on a waiver request, the State and Area Coordinator will refer the matter to the Secretary's Representative.

Accordingly, the Assistant Secretary for Community Planning and Development redelegates as follows:

#### Section A. Authority redelegated

The Assistant Secretary for Community Planning and Development concurrently redelegates to each Secretary's Representative the following authority to waive Department directors, including handbook provisions, concerning CPD programs for the geographic area for which the Secretary's Representative is responsible. This authority includes the same authority to waive CPD directives as is redelegated to Field Office Program Directors in the geographic area. The extent of this waiver authority is currently described in the CPD field reorganization redelegation at 59 FR 18280 (April 15, 1994), as amended by

the redelegation at 60 FR 30312 (June 8, 1995.) Each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing to the Assistant Secretary for CPD. The Assistant Secretary for CPD will publish any changes or further amendments to these redelegations.

#### Section B. Authority to further redelegate

The authority redelegated pursuant to Section A., above, may be further redelegated to the State and Area Coordinators for the geographic region of the Secretary's Representative. If the Secretary's Representative redelegates this authority to a State and Area Coordinator, the redelegation shall include the requirement that each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing simultaneously to the appropriate Secretary's Representative and to the Assistant Secretary for CPD.

Authority: Sec. 7(d) of the Department of Housing and Urban Development (42 U.S.C. 3535(d)).

Dated: June 28, 1996.

Andrew M. Cuomo,

*Assistant Secretary for Community Planning and Development.*

[FR Doc. 96-17174 Filed 7-5-96; 8:45 am]

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### **Office of the Assistant Secretary for Fair Housing and Equal Opportunity**

**[Docket No. FR-4102-D-01]**

#### **Redelegation of Authority; Waiver of Directives**

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Notice of redelegation of authority.

**SUMMARY:** In this notice, the Assistant Secretary for Fair Housing and Equal Opportunity redelegates to the Secretary's Representatives for HUD's Field Offices the same waiver authority of directives and handbook provisions pertaining to fair housing and equal opportunity in Department programs, as provided to the FHEO Program Directors in the HUD Field Offices. The Secretary's Representatives may further redelegate the authority to waive directives and handbook provisions to State and Area Coordinators within their geographic area.

**EFFECTIVE DATE:** June 28, 1996.

**FOR FURTHER INFORMATION CONTACT:** Susan Forward, Deputy Assistant Secretary for Enforcement and

Investigations, Office of FHEO, Department of Housing and Urban Development, Room 5106, 451 7th Street, SW, Washington, DC 20410, telephone numbers (202) 708-4211 (voice), (202) 708-1455 (TTY). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** The purpose of this redelegation is to provide Secretary's Representatives with the same authority to waive directives, including handbook provisions, redelegated to FHEO Program Directors in the Field Offices, and with the authority to further redelegate to State and Area Coordinators. This redelegation does not supersede the Department's Statement of Policy published on April 22, 1991, at 56 FR 16337, entitled "Waiver of Regulations and Directives Issued by HUD."

Department directives mandated by statute, executive order, or regulation, and those related to civil rights compliance and enforcement are not within this redelegation. The Secretary is the ultimate repository of the authority both to issue and to waive the regulations of the Department. Typically the authority to issue regulations is delegated to an Assistant Secretary or official of equivalent rank. Under section 7(q) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q), the Secretary may not delegate the authority to waive a regulation below the Assistant Secretary rank. This prohibition even includes individuals who have been delegated authority concurrent with the Assistant Secretary. Under circumstances prescribed in the policy statement, the General Counsel must concur on proposed waivers of regulations subject to section 7(q) of the HUD Act.

Under HUD's policy statement on waiver of regulations and directives, *Directive* means a Handbook (including a change or supplement), notice, interim notice, special directive, and any other issuance that the Department may classify as a directive. *Handbook* means a directive that communicates information of a permanent nature (including clarification of policies, instructions, guidance, procedures, forms, and reports) for HUD staff or program participants. Its permanent nature distinguishes a Handbook from other temporary HUD directives such as notices.

As part of the Department's continued commitment to empowering communities, the Assistant Secretary for Fair Housing and Equal Opportunity is redelegating in this document additional authority to the Secretary's

Representatives. Each Secretary's Representative is redelegated limited authority to issue waivers of Department directives, including handbook provisions, concerning fair housing and equal opportunity in Department programs for the geographic area for which the Secretary's Representative is responsible. The Secretary's Representative is concurrently redelegated the same authority to waive Department directives concerning fair housing and equal opportunity in Department programs as resides with the Directors of FHEO for the Field Offices in the geographic area. The Program Director and the Secretary's Representative must jointly concur in all requests for waivers, whether the request is granted or denied. If the Secretary's Representative and the Program Director do not agree, the matter will be referred to the Assistant Secretary for FHEO for resolution. If the Secretary's Representative further redelegates his or her authority to a State and Area Coordinator, and the Program Director and State and Area Coordinator disagree on a waiver request, the State and Area Coordinator will refer the matter to the Secretary's Representative.

Accordingly, the Assistant Secretary for Fair Housing and Equal Opportunity redelegates as follows:

#### Section A. Authority redelegated

The Assistant Secretary for Fair Housing and Equal Opportunity concurrently redelegates to each Secretary's Representative the following authority to waive Department directives, including handbook provisions, concerning fair housing and equal opportunity in Department programs for the geographic area for which the Secretary's Representative is responsible. This authority includes the same authority to waive directives pertaining to fair housing and equal opportunity in Department programs as is redelegated to Directors of FHEO in the geographic area. Each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing to the Assistant Secretary for FHEO. The Assistant Secretary for FHEO will publish any changes or amendments to its redelegations of authority to Directors of FHEO in the field.

#### Section B. Authority to further redelegate

The authority redelegated pursuant to Section A., above, may be further redelegated to the State and Area Coordinators for the geographic region of the Secretary's Representative. If the

Secretary's Representative redelegates this authority to a State and Area Coordinator, the redelegation shall include the requirement that each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing simultaneously to the appropriate Secretary's Representative and to the Assistant Secretary for FHEO.

Authority: Sec. 7(d) of the Department of Housing and Urban Development (42 U.S.C. 3535(d)).

Dated: June 18, 1996.

Elizabeth K. Julian,

*Assistant Secretary for Fair Housing and Equal Opportunity.*

[FR Doc. 96-17175 Filed 7-5-96; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Revised Record of Decision on Gull Hazard Reduction Program for John F. Kennedy International Airport

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Port Authority of New York and New Jersey (PA) has applied for a permit to take migratory birds, including several species of gulls at John F. Kennedy International Airport (JFKIA). The Lead Agency for this Final Environmental Impact Statement (FEIS) was Animal Damage Control (ADC). The U.S. Fish and Wildlife Service (Service) was a cooperating agency with jurisdiction by law and actively participated in the scoping, drafting and reviewing of the Draft Environmental Impact Statement (DEIS) and the FEIS. Pursuant to the Council on Environmental Quality Regulations (Part 1506.3, Title 40 CFR) for Implementing Provisions of the National Environmental Policy Act (NEPA), and the Department of the Interior, Departmental Manual at 516 DM 1.1-6.6, the Service adopted the above FEIS as prepared by the U.S. Department of Agriculture in 1994. The Service used the information and analyses in the DEIS and FEIS to make its own independent Record of Decision (ROD) for this project, which was published on June 3, 1994 in the Federal Register. Based on its independent evaluation and review, the Service selected an alternative similar to the Integrated Management Program, Department of the Interior Policy (IMP/DOI) as its preferred alternative (FEIS, pp. 6-7 to 6-9). The conditions contained in the

IMP/DOI were designed to minimize environmental harms and constitute a viable monitoring and enforcement program.

The PA has not to date fully implemented all of the actions identified in the original ROD, and as a result the Service has been unable to issue the PA a Special Purpose Permit to support the bird hazard reduction program at JFKIA. However, the Service did issue limited permits in 1994, 1995, and 1996 to address emergency conditions associated with gulls during the summer months. These emergency conditions were documented by the Federal Aviation Administration (FAA) and by data collected by ADC biologists in those years. The current environmental situation at JFKIA remains essentially the same as was addressed in the 1994 FEIS. The data collected by ADC biologists since 1994 complements, but does not materially change the analysis of impacts of alternatives bearing on the revised decision. These data are available by contacting the person listed in this notice. Since issuing the original ROD, the Service has been involved in lengthy negotiations with the PA, but has been unable to find the PA in full compliance with the ROD, as published on June 3, 1994. The Service believes that significant bird hazards do occur at JFKIA, as are documented in the FEIS, and that a Special Purpose Permit is needed to address emergencies and to facilitate migratory bird management programs on JFKIA. In addition, the Service recognizes that the PA has implemented many of the actions identified in this ROD, and the Service hereby amends its original ROD to support a limited Special Purpose Permit action for the bird hazard program at JFKIA.

**ADDRESSES:** Copies of the referenced ADC data, the 1994 ROD and the 1994 FEIS may be obtained from George Haas, 300 Westgate Center Drive, Hadley, Massachusetts 01035 (413/253-8576).

#### Background

JFKIA is one of three major airports in the New York Metropolitan Region, servicing approximately 28 million passengers per year. It is located at the eastern end of Jamaica Bay, immediately adjacent to the Jamaica Bay National Wildlife Refuge, which is part of Gateway National Recreation Area (GNRA) [administered by the National Park Service (NPS)]. The interaction of birds and aircraft at JFKIA is a serious problem, creating significant hazards to human safety, as well as causing financial losses due to aircraft