

of the housing premises. The Board determined that there is no need to address this issue in the rule. There is nothing in the rule that limits the prohibition to drug activity on the housing premises. It is the decision of the Housing Authority whether to allege that illegal drug activity threatens the health or safety of other tenants, regardless of where it has taken place. When an eviction proceeding is initiated alleging such a threat and the other terms of the rule are met, legal services programs may not provide representation to the persons charged with the violations.

Finally, the Housing Association opposed the provision in the interim rule that representation is prohibited if "the person has been charged with or, within one year, prior to the date when services are requested from a recipient, has been convicted of the illegal sale or distribution of a controlled substance." [emphasis added]. According to the Housing Association, this one-year provision exceeds statutory authority and "does not adequately address the wide variety of circumstances that are associated with illegal drug activities." The Board agreed to delete the one-year provision on the grounds that it is unnecessary, because a Housing Authority must allege and presumably demonstrate in court that drug related activities are a current threat to the health and safety of the other tenants. The Board did make a revision to § 1633.3(b) of the final rule, however, to clarify that the illegal drug activity for which the person has been charged currently threatens the health and safety of other tenants.

List of Subjects in 45 CFR Part 1633

Grant programs-law, Legal services.

For reasons set forth in the preamble, 45 CFR part 1633 is revised to read as follows:

PART 1633—RESTRICTION ON REPRESENTATION IN CERTAIN EVICTION PROCEEDINGS

Sec.

- 1633.1 Purpose.
- 1633.2 Definitions.
- 1633.3 Prohibition.
- 1633.4 Recipient policies, procedures and recordkeeping.

Authority: 42 U.S.C. 2996e(a), 2996e(b)(1)(A), 2996f(a)(2)(C), 2996f(a)(3), 2996g(e); 110 Stat. 3009; 110 Stat. 1321 (1996).

§ 1633.1 Purpose.

This part is designed to ensure that in certain public housing eviction proceedings recipients refrain from

defending persons charged with or convicted of illegal drug activities.

§ 1633.2 Definitions.

(a) *Controlled substance* has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802);

(b) *Public housing project* and *public housing agency* have the meanings given those terms in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a);

(c) *Charged with* means that a person is subject to a pending criminal proceeding instituted by a governmental entity with authority to initiate such proceeding against that person for engaging in illegal drug activity.

§ 1633.3 Prohibition.

Recipients are prohibited from defending any person in a proceeding to evict that person from a public housing project if:

(a) The person has been charged with or has been convicted of the illegal sale, distribution, or manufacture of a controlled substance, or possession of a controlled substance with the intent to sell or distribute; and

(b) The eviction proceeding is brought by a public housing agency on the basis that the illegal drug activity for which the person has been charged or for which the person has been convicted threatens the health or safety of other tenants residing in the public housing project or employees of the public housing agency.

§ 1633.4 Recipient policies, procedures and recordkeeping.

Each recipient shall adopt written policies and procedures to guide its staff in complying with this part and shall maintain records sufficient to document the recipient's compliance with this part.

Dated: November 26, 1996.

Victor M. Fortuno,

General Counsel.

[FR Doc. 96-30622 Filed 11-29-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1, 2, 15, 24 and 97

[ET Docket No. 93-62]

Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation

AGENCY: Federal Communications Commission.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the final rules adopted in the *Report and Order* regulations, which were published on August 7, 1996 (61 FR 41006). The rules relate to the permissible exposure limits from FCC-regulated transmitters as contained in § 1.1307.

EFFECTIVE DATE: August 6, 1996.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Background

The final rules that are the subject of these corrections, supersede § 1.1307 with respect to evaluating the environmental effect of radio frequency radiation. In addition, § 1.1301, § 2.1091, and § 2.1093 have been added to further define and clarify the FCC's requirements under the National Environmental Policy Act of 1969.

Need for Correction

As published, the final rules contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on August 7, 1996 the final rules in ET Docket 93-62, which were the subject of FR Doc. 96-20082, is corrected as follows:

1. Page 41011, first column, second paragraph, the third sentence is revised to read as follows:

"Of these 295 owners, 158 or 54 percent had annual revenues of 10.5 million or less."

2. Page 41011, first column, third paragraph, the first sentence is revised to read as follows:

"In summary, based on the foregoing extreme analysis using census data, we estimate that our rules will apply to as many as 1,155 commercial and non-commercial television stations (78 percent of all stations) that could be classified as small entities."

3. Page 41011, second column, first paragraph, the second sentence is revised to read as follows:

"That represents approximately 32 percent of commercial radio stations."

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-30662 Filed 11-29-96; 8:45 am]

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