

40 CFR Part 52

[NM22-1-7103b; FRL-5709-7]

Approval and Promulgation of Implementation Plan for New Mexico: General Conformity Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This action proposes to approve a revision to the New Mexico State Implementation Plan (SIP) for the State of New Mexico that contains general conformity rules. Specifically, the general conformity rules, if approved, will enable the New Mexico Environment Department to review conformity of all Federal actions (See 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans) with the control strategy SIPs submitted for the nonattainment and maintenance areas within the State outside the boundaries of Bernalillo County. This proposed action would streamline the conformity process and allow direct consultation among agencies at the local levels. The Federal actions by the Federal Highway Administration and Federal Transit Administration (under Title 23 U.S.C. or the Federal Transit Act) are covered by the transportation conformity rules under 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act.

The EPA is proposing to approve this SIP revision under sections 110(k) and 176 of the Clean Air Act (the Act). The rationale for the proposed approval and other information are provided in the Final Rule Section of this **Federal Register**.

In the Final Rules Section of this **Federal Register**, the EPA is approving this General Conformity SIP revision as a direct final rulemaking without prior proposal because the EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment

period on this action. Any parties interested in providing comments on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing and postmarked by April 25, 1997.

ADDRESSES: Copies of the New Mexico General Conformity SIP and other relevant information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL),

Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 665-7214.

Air Quality Bureau, New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, New Mexico 87502, Telephone: (505) 827-0042.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665-7247.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final rule which is located in the Rules Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: March 4, 1997.

Jerry Clifford,

Acting Regional Administrator.

[FR Doc. 97-7689 Filed 3-25-97; 8:45 am]

BILLING CODE 6560-50-P

LEGAL SERVICES CORPORATION**45 CFR Part 1639****Welfare Reform**

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: Part 1639 was published on August 29, 1996, as an interim rule with a request for comments. The interim rule was intended to implement a provision in the Legal Services Corporation's ("Corporation" or "LSC")

FY 1996 appropriations act which restricts recipients from initiating legal representation or challenging or in any way participating in an effort to reform a Federal or State welfare system. Although this restriction has been retained under the Corporation's FY 1997 appropriations act, recently enacted Federal legislation has changed the status of the Federal welfare system. In light of this change in law, the Corporation requests comments on a proposed revised version of the interim rule. The interim rule remains effective, however, until a final version has been adopted and published by the Corporation.

DATES: Comments must be submitted on or before April 25, 1997.

ADDRESSES: Comments should be submitted to the Office of the General Counsel, Legal Services Corporation, 750 First Street NE., 11th Floor, Washington, DC 20002-4250.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel (202) 336-8910.

SUPPLEMENTARY INFORMATION: The Board of Directors ("Board") of the Legal Services Corporation adopted an interim rule on July 20, 1996, for publication in the **Federal Register** with a request for comments. The interim rule was published and became effective on August 29, 1996. See 61 FR 45757. The interim rule implements § 504(a)(16) of the Corporation's FY 1996 appropriations act, Pub. L. 104-134, 110 Stat. 1321 (1996), which restricts recipients of LSC funds from initiating legal representation or participating in efforts to reform a Federal or State welfare system.

Subsequent to the adoption of the interim rule by the Board, Congress enacted and the President signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 110 Stat. 2105 (1996) ("Personal Responsibility Act"). The Board's Operations and Regulations Committee ("Committee") held public hearings on the interim rule on December 13, 1996, and March 7, 1997. At the March meeting, the Committee adopted proposed revisions to the definitions in the interim rule to incorporate most provisions of the Personal Responsibility Act and requested that the proposed revisions be published for public comment. For comparison purposes, the interim rule can be found at 61 FR 45757 (Aug. 29, 1996).

The version of the rule in this publication has no force of law and is submitted only as a proposed revised version of the interim rule which, if published as final, would replace the

interim rule. The interim version of the rule remains controlling law until replaced by a final rule adopted and published by the Corporation.

A discussion of the proposed revisions to the interim rule is provided below.

Section 1639.2 Definitions

The interim rule defined Federal or State welfare system to include Federal and State AFDC programs under Title IV-A of the Social Security Act, 42 U.S.C. 601 et seq. and provisions enacted by Congress or a State to replace or modify these programs, such as Title I of the Personal Responsibility Act. The proposed revision continues this definition and specifically incorporates Title I of the Personal Responsibility Act, which replaced the AFDC program with the Temporary Assistance for Needy Family ("TANF") Block Grant. Also included in the definition would be any components or requirements from other public benefit or human services programs that are part of the AFDC program, such as requirements of establishment of paternity and cooperation with child support enforcement. In addition, it would also include State changes in the AFDC program and State efforts to implement TANF, as well as State efforts to eliminate AFDC and replace it with a new program (for example, the Wisconsin Works program). Federal or State welfare system would also include any State AFDC programs or their replacements which are continued under TANF and are being conducted under waivers granted by the Department of Health and Human Services, pursuant to § 1115 of the Social Security Act or other enacted legislation.

Written comments supported the definition in the interim rule. However, the Committee seeks comments on the revised definition, which incorporates all other provisions of the Personal Responsibility Act, except for the Child Support provisions in Title III, and is proposed to respond to stated congressional concerns. Upon consideration of the legislative history of the Corporation's FY 1996 appropriations act and the entire welfare reform debate, including the debate over the Gramm Amendment to the Senate Welfare Reform bill, the Committee proposes this new definition as more accurately implementing the intent of Congress.

The proposed revised definition does not include the changes in the Child Support Enforcement Program provisions in Title III of the Personal Responsibility Act, because there are

significant differences between these provisions and the other provisions in the Personal Responsibility Act. Congress intended to restrict participation in efforts to reform welfare systems, and the child support program is not a welfare program. The child support program is basically a law enforcement program conducted by the courts and administrative agencies which has two main activities: (1) Establishing paternity and support obligations, and (2) enforcing support orders. No public benefits are paid to families participating in the IV-D system. The only money that is paid to families is private support payments collected from noncustodial parents. In addition, more than half of the families participating in the IV-D system are non-welfare, working families, and 75% of child support collections made by the IV-D system go to non-welfare families. Finally, although the statutory provision refers to seeking relief from a welfare agency, in some states the child support program is run by the state attorney general's office or state revenue department, not by a welfare agency.

Before adopting a final rule, the Corporation specifically seeks comments on whether all of the provisions of the Personal Responsibility Act should be included within the definition of Federal or State welfare system and on the practical effect that including other provisions of the Personal Responsibility Act will have on the representation of eligible clients. Comments are solicited also on the proposal to exclude the Child Support provisions.

The revised definition continues to include State General Assistance, General Relief, Direct Relief, Home Relief or similar state means-tested programs for basic subsistence which operate with State funding or under State mandate, and new programs enacted by States to replace or modify these programs.

Federal or State welfare system does not include provisions in Federal programs which were not amended by the Personal Responsibility Act. Such programs as the Job Training Partnership Act, Medicaid, Medicare, Unemployment Insurance, Veterans Benefits, and Social Security would not be included within the definition of Federal or State welfare system under the proposed changes, since they were not amended by the Personal Responsibility Act.

This proposed version makes no changes to the definition of Reform of a Federal or State welfare system.

The term existing law was defined in the interim rule to include only Federal,

State or local statutory laws or ordinances. Written comments on the interim rule generally supported this definition, although several pointed out that the definition did not make clear that laws or ordinances included within the definition were limited to those enacted to reform a Federal or State welfare system. The interim rule's definition also did not include regulations having the force and effect of law. This revised version provides that existing law includes regulations having the force and effect of law as well as laws and ordinances. It also clarifies that an existing law is one enacted to reform a Federal or State welfare system. The Corporation will consider comments on whether regulations should be included within the definition of existing law and the effect which the inclusion of regulations will have on the representation of eligible clients.

List of Subjects in 45 CFR Part 1639

Grant programs; Legal services; Welfare reform.

For reasons set forth in the preamble, LSC proposes to revise 45 CFR part 1639 to read as follows:

PART 1639—WELFARE REFORM

Sec.

1639.1 Purpose.

1639.2 Definitions.

1639.3 Prohibition.

1639.4 Permissible representation of eligible clients.

1639.5 Exceptions for public rulemaking and responding to requests with non-LSC funds.

1639.6 Recipient policies and procedures.

Authority: 42 U.S.C. 2996g(e); Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321.

§ 1639.1 Purpose.

The purpose of this rule is to ensure that LSC recipients do not initiate litigation, challenge or participate in efforts to reform a Federal or State welfare system. The rule also clarifies when recipients may engage in representation on behalf of an individual client seeking specific relief from a welfare agency and under what circumstances recipients may use funds from sources other than the Corporation to comment on public rulemaking or respond to requests from legislative or administrative officials involving a reform of a Federal or State welfare system.

§ 1639.2 Definitions.

(a)(1) Federal or State welfare system as used in this part means:

(i) the Federal and State AFDC program under Title IV-A of the Social

Security Act as amended by the Personal Responsibility Work Opportunity Reconciliation Act of 1996, 110 Stat. 2105 (1996), and new programs or provisions enacted by Congress or the States to replace or modify these programs, including State AFDC programs conducted under Federal waiver authority;

(ii) all other provisions of the Personal Responsibility Work Opportunity Reconciliation Act of 1996, 110 Stat. 2105 (1996), except for the Child Support provisions of Title III; and

(iii) General Assistance or similar State means-tested programs conducted by States or by counties with State funding or under State mandates, and new programs or provisions enacted by States to replace or modify these programs;

(2) Federal or State welfare system does not include other public benefit programs, unless changes to such programs are part of a reform of the AFDC or General Assistance programs.

(b) Reform of a Federal or State welfare system as used in this part means a legislative or administrative effort to change key components of the Federal or State welfare system, including laws and regulations that implement the changes.

(c) Existing law as used in this part means Federal, State or local statutory laws, ordinances or regulations having the force and effect of law, which are enacted to reform a Federal or State welfare system.

§ 1639.3 Prohibition.

Except as provided in §§ 1639.4 and 1639.5, recipients may not initiate legal representation, or participate in any other way in litigation, lobbying or rulemaking involving efforts to reform a Federal or State welfare system. Prohibited activities include participation in:

(a) Litigation challenging laws or regulations enacted as part of a reform of a Federal or State welfare system.

(b) Rulemaking involving proposals that are being considered to implement a reform of a Federal or State welfare system.

(c) Lobbying or other advocacy before legislative or administrative bodies undertaken directly or through grassroots efforts involving pending or proposed legislation that is part of a reform of a Federal or State welfare system.

(d) Litigation or other advocacy undertaken with regard to the granting

or denying of State requests for Federal waivers of Federal requirements for AFDC.

§ 1639.4 Permissible representation of eligible clients.

Recipients may represent an individual eligible client who is seeking specific relief from a welfare agency, if such relief does not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation.

§ 1639.5 Exceptions for public rulemaking and responding to requests with non-LSC funds.

Consistent with the provisions of 45 CFR 1612.6 (a)-(e), recipients may use non-LSC funds to comment in a public rulemaking proceeding or respond to a written request for information or testimony from a Federal, State or local agency, legislative body, or committee, or a member thereof, regarding an effort to reform a Federal or State welfare system.

§ 1639.6 Recipient policies and procedures.

Each recipient shall adopt written policies and procedures to guide its staff in complying with this part.

Dated: March 21, 1997.

Victor M. Fortuno,

General Counsel.

[FR Doc. 97-7662 Filed 3-25-97; 8:45 am]

BILLING CODE 7050-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-97, RM-9047]

Radio Broadcasting Services; Mt. Juliet and Belle Meade, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mt. Juliet Broadcasting, Inc., permittee of Station WNPL(FM), Channel 294A, Mt. Juliet, Tennessee, proposing the reallocation of Channel 294A from Mt. Juliet to Belle Meade, Tennessee, and modification of Station WNPL(FM)'s construction permit to specify Belle Meade as its community of license. Channel 294A can be allotted to Belle Meade in compliance with the

Commission's minimum distance separation requirements with a site restriction of 13.6 kilometers. The coordinates for Channel 294A at Belle Meade are 36-11-08 NL and 86-45-15 WL.

DATES: Comments must be filed on or before May 12, 1997, and reply comments on or before May 27, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David E. Honig, Esq., Holland & Knight LLP, 2100 Pennsylvania Avenue, NW, Suite 400, Washington, DC 20037-3202 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-97, adopted March 12, 1997, and released March 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-7708 Filed 3-25-97; 8:45 am]

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