

EPA employees by participating in hiring, disciplining, or firing decisions.

- DITCA funded personnel cannot operate vehicles which are either owned or leased by the Federal government.

Information sharing and two-way communication between the tribe and EPA are key to a successful DITCA. EPA and the tribe should negotiate and complete a workplan prior to the awarding of the DITCA. The workplan should clearly delineates the status, roles and responsibilities of the respective parties. It must also characterize and quantify the environmental and public health benefits (*i.e.*, outputs and, to the maximum extent practicable, outcomes) to be gained from the DITCA's activities, in compliance with the EPA Order on Environmental Results Under Assistance Agreements which will go into effect in January 2005. The consulting offices listed in this guidance can assist with all these issues.

VIII. Available Funding Sources

To this point, no funds are appropriated specifically for DITCAs. Funding is available from two existing sources, subject to applicable limitations contained in the applicable appropriation act:

- STAG monies appropriated for tribal program grants¹ and,
- EPM funds available for direct implementation activities.

Either source of funding may be used for any of the eligible activities described in section VI.

DITCAs can be funded by reprogramming subject to the usual restrictions and procedures governing this action with the exception of the following situations:

- DITCAs for Title V permitting may be funded only with funds appropriated to EPA for Federal CAA Title V work, and
- The statutory authority for DITCAs expressly prohibits using funds designated for State financial assistance agreements.

The prohibition on using two general appropriations for the same activity—commonly referred to as the “pick and stick” rule—applies.

¹ The term “tribal program grants” as used in this document refers only to funds for tribal grants within the statutory earmark in the STAG account “for grants * * * for multi-media or single media pollution prevention, control and abatement and related activities.” Pub. L. 107-73, 115 Stat. 686 (2001). It does not refer to funds for other tribal grants included in other earmarks in the STAG account.

IX. Award Process (Including Proper Citation; Definition of Cooperative Agreements; Relationship to MOAs, etc.)

Each DITCA should cite only the statutory authority for the applicable fiscal year. Do not also use the citation for the relevant program's grant authority.

DITCAs are awarded and administered as “cooperative agreements” under the Federal Grant and Cooperative Agreement Act (FGCAA) and are subject to all applicable Agency assistance policies. Because the statutory authority for DITCAs is for cooperative agreements and not grants, there must be substantial Federal involvement in the performance of each DITCA project. (See EPA Order 5700.1 for a description of “substantial Federal involvement.”).

Since DITCAs are authorized by statute and are only available to tribes and eligible intertribal consortia, they are exempt from competition under section 6(c)(2) of EPA Order 5700.5, Policy for Competition in Assistance Agreements. Application of the competition policy is discretionary, not mandatory. EPA will review on an annual basis the extent to which regional and program offices apply the competition policy with regard to DITCAs to consider in the future whether the policy should or should not be applied on a consistent basis across the Agency.

A Memoranda of Agreement (MOAs), or other preliminary documentation, is not a prerequisite to a DITCA and cannot be used to transfer funds. DITCAs are awarded using the standard grant/cooperative agreement application and award forms. However, the DITCA's workplan must characterize and quantify the environmental and public health benefits (*i.e.*, outputs and, to the maximum extent practicable, outcomes) to be gained from the DITCA's activities, in compliance with the EPA Order on Environmental Results Under Assistance Agreements which will go into effect in January 2005.

X. Status of Individuals Carrying Out Direct Implementation Activities

It is important that all parties understand the status of the individuals carrying out EPA's direct implementation activities under these cooperative agreements. It is recommended that the status of such individuals be clearly stated in the work plan to accompany the DITCA. These individuals are employees of the DITCA recipient (a tribe or intertribal consortium) or its contractor. They are

not EPA employees, nor are they EPA contractors by virtue of being a DITCA recipient. These individuals may not be treated or present themselves to third parties as Federal government employees or Federal contractors based on their status as employees of DITCA recipients.

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EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Drug-Free Communities Support Program National Evaluation; Proposed Information Collection; Notice of 60-Day Public Comment Period

AGENCY: Executive Office of the President, Office of National Drug Control Policy.

ACTION: Notice of 60-day public comment period.

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Executive Office of the President, Office of National Drug Control Policy, Drug Free Communities Support Program is publishing the following summary of proposed information collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the program's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Executive Office of the President, Office of National Drug Control Policy is requesting OMB review and approval of this information collection. Written comments and/or recommendations will be accepted from the public if received by the individuals designated below within 60 days from the date of publication.

Type of Information Collection

Request: New collection;

Title: Drug-Free Communities (DFC) Support Program National Evaluation;

Use: The DFC Support Program is an integral component of the National Drug

Control Strategy and a requirement of Healthy People 2010 supporting the President's pledge to reduce America's drug use by 25 percent in five years through building community capacity to prevent substance abuse among our nation's youth. The DFC has two primary goals: (1) Reduce substance abuse among youth by addressing local risk and protective factors to minimize the likelihood of subsequent substance abuse in the community; and (2) support community anti-drug coalitions in becoming self-sufficient by establishing, strengthening, and fostering collaboration among public and private nonprofit agencies, as well

as federal, state, local, and tribal governments to prevent and reduce substance abuse.

A National Evaluation of the DFC Support Program commenced in September 2004 to assess the program's implementation and effectiveness. The major purpose of the DFC Support Program National Evaluation is to design and implement a rigorous evaluation and to support an effective grant monitoring and tracking system.

The National Evaluation will make use of three separate collection instruments to gather information. The Monitoring and Tracking Questionnaire will serve as a quarterly report for the DFC grantees, and will provide

information for both ONDCP and the National Evaluation. The Evaluation Questionnaire will be used on an annual basis and will answer evaluation questions that are not appropriate for the Monitoring and Tracking instrument. The Typology Classification Questionnaire will be used on an annual basis to classify respondents into a coalition typology developed by the evaluation contractor.

Frequency: Quarterly and annually;

Affected Public: Anti-Drug Coalitions;

Type of Respondents: Directors of Anti-Drug Coalitions or their designees;

Estimated annual burden is as follows:

| Type of respondents | Estimated number of respondents | Estimated number of responses per respondent | Average burden per response (in hours) | Total annual burden (in hours) |
|---|---------------------------------|--|--|--------------------------------|
| Instrument: Monitoring and Tracking Questionnaire (Quarterly Report) | | | | |
| DFC Grantee Program Directors | 714 | 4 | 1.5 | 4284 |
| Instrument: Evaluation Questionnaire | | | | |
| DFC Grantee Program Directors | 1 | 1.0 | 714 | |
| Instrument: Typology Classification Questionnaire | | | | |
| DFC Grantee Program Directors | 714 | 1 | 1.5 | 1071 |
| Total | | | | 6069 |

The only cost to respondents is time they spend completing the questionnaire(s). Data collected from grantees will be made available to them for planning, implementation, and evaluation purposes. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or recommendations from the public and affected entities are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the DFC program, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information those who are able to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection

techniques or other forms of information technology.

Comment Deadline: Comments regarding these proposed information collections must be mailed and/or faxed to the designee listed below, within 60-days of the date of this publication: Executive Office of the President, Office of National Drug Control Policy, Drug Free Communities Support Program, Attention: Keri-Lyn Coleman, MSW, Acting DFCSP Administrator, Washington, DC 20503. Fax number: 202-395-6641.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed information collections or to obtain a copy of the information collection plans and/or instruments, contact Keri-Lyn Coleman, MSW, Acting DFCSP Administrator, Executive Office of the President, Office of National Drug Control Policy, Washington DC 20503, or call non-toll free number 202-395-6762 or e-mail your request to: Keri-Lyn_S._Coleman@ondcp.eop.gov.

Dated: January 3, 2005.

Norman R. Deck,

Assistant Deputy Director, Office of National Drug Control Policy.

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FEDERAL DEPOSIT INSURANCE CORPORATION

Determination of Insufficient Assets To Satisfy All Claims of Financial Institution in Receivership

ACTION: Notice.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) has determined that the proceeds that can be realized from the liquidation of assets of the receivership listed in **SUPPLEMENTARY INFORMATION** are insufficient to wholly satisfy the priority claims of depositors against the receivership estate. Therefore, upon satisfaction of secured claims, depositor claims, and claims which have priority over depositors under applicable law, no amount will remain or will be recovered sufficient to allow a dividend,