PART 97—AMATEUR RADIO SERVICE

1. The authority citation for Part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended: 47 U.S.C. §§ 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

2. Section 97.21 is amended by revising the last sentence of paragraphs (a)(3)(i) and (a)(3)(ii) to read as follows:

§ 97.21 Application for a modified or renewed license.

(a) * * *

(3) * * *

(i) * * * When the application for renewal of the license has been received by the FCC at 1270 Fairfield Road, Gettysburg, PA 17325–7245 on or before the license expiration date, the license operating authority is continued until the final disposition of the application.

(ii) * * * When the application has been received at the proper address specified in the Wireless Telecommunications Bureau Fee Filing Guide on or before the license expiration date, the license operating authority is continued until final disposition of the application.

* * * * *

[FR Doc. 96–11644 Filed 5–9–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 18 and 90

[OST Docket No. OST–96–1343]

RIN 2105–AC44

Audits of State and Local Governments

ACTION: Final rule.

SUMMARY: In connection with the President's Regulatory Reform Initiative, the Department of Transportation (DOT) is reviewing all of its existing regulations. As a result of the review we have identified 49 CFR part 90 as an unnecessary regulation that should be removed. The rule essentially repeats verbatim the requirements of Office Management and Budget (OMB) Circular A–128, Audits of State and Local Governments. The rule is being replaced by minor amendments to 49 CFR part 18, to reference Federal audit requirements in OMB circulars.

DATES: This regulation is effective June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Robert G. Taylor, U.S. Department of Transportation, Office of Acquisition and Grant Management, M–62, 400 Seventh Street, S.W., Room 9401, Washington, D.C. 20590, (202) 366–4289.

SUPPLEMENTARY INFORMATION:

Background

Audit requirements for State and local grantees are based on the Single Audit Act of 1984 (31 U.S.C. 7501–7507). These requirements have been implemented in OMB Circular A–128, Audits of State and Local Governments (50 FR 19114–19119). These audit requirements have been implemented in DOT in 49 CFR part 18 and in 49 CFR part 90, Audits of State and Local Governments. Part 90 is merely a republication of OMB Circular A–128. The Department has determined that part 90 is unnecessary, and has decided to rescind part 90 and add a reference to OMB Circular A–128 in Section 26, Non-Federal Audits, of part 18.

This action represents no change in DOT audit policy, but makes implementation of OMB Circular A–128 consistent with the manner other OMB management circulars are implemented. A copy of OMB Circular A–128 can be obtained from the information contact above.

A reference to OMB Circular A–133, ''Audits of Institutions of Higher Education and Other Nonprofit Institutions,'' has also been added to Section 26 of part 18 to inform subrecipients of State or local governments who are institutions of higher education or other nonprofit organizations of the audit requirements imposed on them. This requirement is contained in 49 CFR part 19, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

Regulatory Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The Department of Transportation has determined that this rulemaking is not a significant regulatory action within the meaning of Executive Order 12866, nor a significant regulation under the Department's Regulatory Policies and Procedures. The action is a reissuance of current requirements. Because of this, the Department certifies that this regulatory action is nonsignificant under the Department of Transportation's Regulatory Policies and Procedures.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires that, for each rule with a ''significant economic impact on a substantial number of small entities,'' an analysis be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on small entities. We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they do not affect the amount of funds provided in the covered programs, but rather reissue administrative and procedural requirements.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The rules primarily apply to State and local governments, but this is merely a reissuance of current requirements. Accordingly, the Department certifies that this action does not have sufficient Federalism implications to warrant a full Federalism Assessment under the principles and criteria contained in Executive Order 12612.

Paperwork Reduction Act

There are no additional collection of information requirements in this final rule.

Justification to Issue Final Rule

Under the Administrative Procedure Act, to issue a final rule without an NPRM, it is necessary to make a finding that issuing an NPRM would be impractical, unnecessary, or contrary to the public interest. This action involves no substantive change in policy, but makes implementation of OMB Circular A–128 consistent with implementation of other OMB Circulars. Instead of a rule that republished OMB Circular A–128, we are incorporating the Circular by reference. Since an NPRM would not result in the receipt of useful information, its issuance is unnecessary. The action is in the public interest because, in accordance with the President's regulatory reinvention efforts, we are eliminating a duplicative regulation.

List of Subjects

49 CFR Part 18

Accounting, Contract programs, Grant programs, Grants administration, Intergovernmental relations, Reporting and recordkeeping requirements.List of

49 CFR Part 90

Audits, Grant programs, Grants administration.

Issued this 1st day of May 1996 at Washington, D.C.

Federico Peña,

Secretary of Transportation.

Accordingly, for the reasons set forth above, Subpart A of Title 49 of the Code of Federal Regulations is amended as set forth below.

PART 18—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

1. The authority for Part 18 continues to read as follows:

Authority: 49 USC 322(a).

2. Section 18.26 is amended by adding paragraphs (d) and (e) to read as follows:

§ 18.26 Non-Federal Audits.

* * * * *

(d) Governmental recipients and subrecipients are subject to the Single Audit Act of 1984 (31 U.S.C. 7501–7507), and OMB Circular A–128, ''Audits of State and Local Governments.''

(e) Subrecipients of Federal assistance that are institutions of higher education or other nonprofit organizations are subject to OMB Circular A–133, Revised, ''Audits of Institutions of Higher Education and Other Non-Profit Institutions.'' State and local governments may choose to apply the provisions of OMB Circular A–128 to certain public hospitals and institutions of higher education.

PART 90—[REMOVED]

3. Part 90 is hereby removed.

[FR Doc. 96–11607 Filed 5–9–96; 8:45 am]

BILLING CODE 4910–62–P

Surface Transportation Board

49 CFR Parts 1164 and 1311

[STB Ex Parte No. 545]

Removal of Obsolete Regulations Concerning Owner-Operators

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (the Board) is removing from the Code of Federal Regulations obsolete regulations concerning owner-operators.

EFFECTIVE DATE: May 10, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–7513. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (ICCTA) abolished the Interstate Commerce Commission (ICC) and established the Board within the Department of Transportation. Section 204(a) of ICCTA provides that ''[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act.''

Generally, prior to enactment of the Motor Carrier Act of 1980 (MCA–80), motor common and contract carriers needed licenses from the ICC (certificates for common carriers, permits for contract carriers) in order to operate. These licenses were based on public convenience and necessity and fitness standards. Motor common and contract carriers could only charge rates that were filed with the ICC in tariffs or schedules.

The regulations involved here relaxed these regulatory requirements for owner-operators transporting food. The part 1164 regulations were based on former 49 U.S.C. 10922(b)(4)(E), 10923(b)(5)(A), and 11145(c). The part 1311 regulations were based on former 49 U.S.C. 10762(a)(1) and 10762(g), as well as former sections 10922(b)(4)(E) and 10923(b)(5)(A). Under the Trucking Industry Regulatory Reform Act (TIRRA), Title II of the Hazardous Materials Transportation Act Amendments of 1994, Pub. L. No. 103–311 (August 26, 1994), and the ICCTA, these statutory provisions were repealed, and we are accordingly removing the obsolete part 1164 and part 1311 regulations.

PART 1164—LICENSING

Sections 5(a)(3) and 10(a)(2) of the MCA–80 provided exceptions for owner-operators to the licensing provisions then generally applicable for obtaining certificates and permits. These sections of the MCA–80 were codified, as here relevant, at former 49 U.S.C. 10922(b)(4)(E) and 49 U.S.C. 10923(b)(5)(A). Owner-operators were allowed to obtain operating authority from the ICC to transport food and certain other commodities [1] through a fitness-only application procedure.[2] The ICC issued regulations implementing the new statute in *Owner-Operator Food Transportation,* 132 M.C.C. 521 (1981) *(Owner-Operator).*[3]

TIRRA again amended former sections 10922 and 10923. Sections 207 and 208 of TIRRA eliminated the provisions of 49 U.S.C. 10922(b)(4)(E) and 49 U.S.C. 10923(b)(5)(A) and also modified other parts of sections 10922 and 10923 to apply the fitness-only standard to all non-household goods motor property common and contract carrier applicants. *See Revised MC-Licensing Appl. Forms and Regs.,* 10 I.C.C.2d 386, 387 (1994).[4] Thus, since the passage of TIRRA, owner operators have been able to obtain authority to transport food products under that standard regardless of the annual tonnage and ownership of the vehicle.[5]

Because former sections 10922(b)(E)(5), 10923(b)(5)(A), and 11145(c) have been eliminated, we will remove the obsolete regulations at 49 CFR part 1164.

PART 1311—RATE FILINGS

Section 5(a) of the MCA–80 modified for owner-operators the requirement to file tariffs and schedules: former 49 U.S.C. 10762 was amended by the addition of a new subsection (g) mandating the streamlining of rate filing requirements of motor carriers holding authority issued under former section 10922(b)(4)(E) and 10923(b)(5)(a). Also, former section 10762(a)(1) was amended

[1] These commodities were food and other edible products included for human consumption (excluding alcoholic beverages and drugs), agricultural limestone, and fertilizers and other soil conditioners. For brevity, these commodities will be referred to as food products.

[2] The statute limited this provision to transportation by the owner of the vehicle, except in emergency situations, and to situations in which the annual tonnage of food products transported did not exceed the annual tonnage of exempt commodities transported. Former 49 U.S.C. 11145(c) required the ICC to ''streamline'' the annual method of reporting tonnage.

[3] These regulations were originally found in 49 CFR part 1138, but they were redesignated at 49 CFR part 1164 on November 1, 1982 (47 FR 49534). They defined the term ''emergency situations'' and promulgated an annual reporting requirement to certify compliance with the statute's annual tonnage limitation.

[4] Effective January 1, 1995, the ICC was to issue authorities to carriers upon finding that the applicant was in compliance with (1) ICC regulations and safety requirements; (2) DOT safety fitness requirements; and (3) minimum financial responsibility requirements established by the ICC pursuant to 49 U.S.C. 10927.

[5] Truck licensing was again changed under the ICCTA. Permanent licensing for motor carriers of property was eliminated. 49 U.S.C. 13902. Now, motor carriers are registered for a term determined by the Secretary of Transportation based on fitness standards (safety and insurance) similar to those in TIRRA. A two-year transition period is established to allow motor common and contract carriers to be issued certificates and permits under the TIRRA framework. 49 U.S.C. 13902(d). Although ICCTA eliminates the distinction between motor common and contract carriage, each carrier can be separately registered during the transition period.