

All written comments received within the comment period will be considered before a final determination is made on this matter.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the AMS announces its intention to request a revision to a currently approved information collection for Walla Walla sweet onions.

Title: Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon, Marketing Order No. 956.

OMB Number: 0581-0172.

Expiration Date of Approval: March 31, 1998.

Type of Request: Revision of a currently approved information collection.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Agricultural Marketing Agreement Act, to provide the respondents the type of service they request, and to administer the program.

This proposed rule would establish a requirement that each handler submit an annual report, on a form provided by the Committee, showing Walla Walla Sweet Onion shipment information. This information would facilitate the billing and collection of handler assessments needed for the maintenance and functioning of the Committee. The information would also be useful to the Committee in developing a budget and in making marketing plans for the upcoming season.

The information collected is used only by authorized representatives of the USDA, including AMS, Fruit and Vegetable Division regional and headquarter's staff, and employees of the Committee. Committee employees are the primary users of the information and AMS employees are secondary users.

Estimate of Burden: Public reporting burden for this proposed collection of information is estimated to average 0.323 hours per response.

Respondents: Walla Walla Sweet Onion producers and for-profit businesses handling fresh Walla Walla Sweet Onions produced in southwestern Washington and northeastern Oregon.

Estimated Number of Respondents: 82.

Estimated Number of Responses per Respondent: 0.756.

Estimated Total Burden on Respondents: 25 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the functioning of the

Walla Walla Sweet Onion Marketing Order and the Department's oversight of the program; (2) the accuracy of the collection burden estimate and the validity of methodology and assumptions used in estimating the burden on respondents; (3) ways to enhance the quality, utility, and clarity of the information requested; and (4) ways to minimize the burden, including use of automated or electronic technologies.

Comments must be received by September 13, 1996. Comments should reference OMB No. 0581-0172 and the Walla Walla Sweet Onion Marketing Order No. 956, and be submitted to Teresa L. Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, OR 97204; fax 503-326-7440. All comments received will be available for public inspection during regular business hours at the same address. All responses to this notice will be summarized and included in the request for OMB approval.

Because there is insufficient time for normal clearance procedures, AMS is seeking temporary approval from OMB for the use of this form for the coming season. The form would be added to the other 5 forms currently approved for use under OMB Number 0581-0172.

List of Subjects in 7 CFR Part 956

Marketing agreements, Onions, Reporting and record keeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 956 be amended as follows:

PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHEAST WASHINGTON AND NORTHEAST OREGON

1. The authority citation for 7 CFR part 956 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. In part 956, a new Subpart—Rules and Regulations consisting of sections 956.142 and 956.180 is added to read as follows:

Subpart—Rules and Regulations

§ 956.142 Interest charges.

The Committee shall impose an interest charge on any handler who fails to pay his or her annual assessments within thirty (30) days of the due date of September 1. The interest charge shall, after 30 days, be 1 1/2 percent of the unpaid assessment balance. In the event the handler fails to pay the delinquent assessment amount within

60 days following the due date, the 1 1/2 percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated interest. Any amount paid by a handler as an assessment, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the Committee office.

§ 956.180 Reports.

Each handler shall furnish to the Committee by September 1 of each year an annual report containing the following information, except that gift-box and roadside stand sales shall be exempt from paragraph (b):

(a) The number of 50 lb. equivalents of Walla Walla Sweet Onions shipped by each handler during each week of the shipping season and the total for the season;

(b) The geographical regions as defined by the Committee to which each shipment is made; and

(c) The name, address, and signature of each handler.

Dated: July 8, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-17868 Filed 7-12-96; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

RIN 1076-AD52

Housing Improvement Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to amend the regulations governing the Housing Improvement Program (HIP) by clarifying the terms and conditions under which the program is operated.

DATES: Comments must be received on or before September 13, 1996. Comments will be available for inspection at the address below from 9:00 a.m. to 4:00 p.m., Monday through Friday beginning approximately July 29, 1996.

ADDRESSES: Mail comments to June Henkel, Division of Housing, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 4603-MIB, Washington, DC 20240; OR, hand deliver them to Room 4603 at the above address.

FOR FURTHER INFORMATION CONTACT: June Henkel, Office of Tribal Services, Bureau of Indian Affairs at telephone (202) 208-3707.

SUPPLEMENTARY INFORMATION:

Background

The proposed rule reflects the recommendations of the Joint Tribal/BIA/DOI Advisory Task Force on Bureau of Indian Affairs Reorganization, various tribal and Federal workgroups, and the Department of the Interior Office of the Inspector General. The proposed rule contains simplified administrative guidelines and makes the program more flexible and responsive to the needs of tribes.

On April 7, 1994, the Assistant Secretary-Indian Affairs published a Notice of Proposed Rulemaking (NPRM) proposing amendment of 25 CFR Part 256, Housing Improvement Program (59 FR 16726). One proposal concerned changing the HIP funding distribution methodology from one based on housing inventory to one based on documented eligible applicants. Proposed technical corrections were for the elimination of Category C, Downpayments, and elimination of eligibility for applicants whose dwellings were acquired under HUD through an Indian Housing Authority. The comment period closed on June 6, 1994 and on June 10, 1994, was extended to July 6, 1994. Public comment on the funding distribution methodology provided only a 1% margin of difference between those for and against the proposed change. As a result of the lack of clear direction on the funding distribution methodology, the numerous comments received on the proposed technical corrections and the need to improve the program, the program was recommended for reinvention. In July 1994 the Acting Deputy Commissioner of Indian Affairs agreed to a recommendation by the Office of Audit and Evaluation to place HIP in the National Performance Review (NPR) Reinventing Government Projects program. The HIP was approved as an NPR lab project by October 1994. Along with accommodating administrative corrective action tasks, the NPR lab was established to ensure tribal representation throughout the reinvention process resulting in a program that would be more responsive to tribal needs.

Evaluation and Certification

The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

Publication of the proposed rule by the Department of the Interior (Department) provides the public an opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding the proposed rule to the location identified in the "addresses" section of this document.

Executive Order 12988

The Department has determined that this proposed rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 12866

This proposed rule is not a significant regulatory action under Executive Order 12866.

Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Executive Order 12630

The Department has determined that this proposed rule does not have "significant" takings implications. The proposed rule does not pertain to "taking" of private property interests, nor does it impact private property.

Executive Order 12612

The Department has determined that this proposed rule does not have significant federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of states.

NEPA Statement

The Department has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

Unfunded Mandates Act of 1995

This proposed rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

Paperwork Reduction Act of 1995

The information collection requirements contained in § 256.9 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 et seq. and assigned clearance number 1076-0084. The information is collected to determine

applicant eligibility for services and eligibility to participate in the program based on the criteria referenced in 256.10 and in Table B. Response is required to obtain a benefit. The public reporting burden for this form is estimated to average thirty minutes per response, including the time for reviewing the instructions, gathering and maintaining data, and completing and reviewing the form.

Drafting Information

The primary author of this document is June Henkel, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior.

List of Subjects in 25 CFR Part 256

Housing, Indians, Reporting and recordkeeping requirements.

For the reasons given in the preamble, Part 256 of Title 25, Chapter I of the Code of Federal Regulations is proposed to be revised as set forth below.

PART 256—HOUSING IMPROVEMENT PROGRAM

Sec.

- 256.1 Purpose.
- 256.2 Definitions.
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- 256.12 Who is responsible for identifying what work will be done on my dwelling?
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- 256.17 Will I have to vacate my dwelling while repair work or replacement of my dwelling is being done?
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- 256.20 How many times can I receive improvements, repairs, or replacement services under the Housing Improvement Program?
- 256.21 Will I need flood insurance?
- 256.22 Is my Federal Government assisted dwelling eligible for services under the Housing Improvement Program?
- 256.23 Are mobile homes eligible for services under the Housing Improvement Program?
- 256.24 Can Housing Improvement Program resources be supplemented with other available resources?
- 256.25 What can I do if I disagree with actions taken under the Housing Improvement Program?

Authority: 42 Stat. 208. (25 U.S.C. 13).

§ 256.1 Purpose.

The purpose of this part is to define the terms and conditions under which assistance is given to Indians under the Housing Improvement Program (HIP).

§ 256.2 Definitions.

As used in this part 256:

Agency means the current organizational unit of the Bureau that provides direct services to the governing body or bodies and members of one or more specified Indian Tribes.

Appeal means a written request for review of an action or the inaction of an official of the Bureau of Indian Affairs that is claimed to adversely affect the interested party making the request, as provided in part 2 of this chapter.

Applicant means an individual or persons on whose behalf an application for services has been made under this part.

Application means the process through which a request is made for services.

Area Director means the officer in charge of a Bureau of Indian Affairs area office, or his/her authorized delegate.

Bureau means the Bureau of Indian Affairs.

Child means a person under the age of 18 or such other age of majority as is established for purposes of parental support by tribal or state law (if any) applicable to the person at his or her residence, except that no person who has been emancipated by marriage can be deemed a child.

Family means one or more persons maintaining a household.

Handicapped means legally blind; legally deaf; lack of or inability to use one or more limbs; chair or bed bound; inability to walk without crutches or walker; mental disability in an adult of a severity that requires a companion to aid in basic needs, such as dressing, preparing food, etc.; or severe heart and/or respiratory problems preventing even minor exertion.

Household means persons living with the *head of household* who may be related or unrelated to the *head of household* and who function as members of a family.

Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law 103-454, 108 Stat. 4791.

Secretary means the Secretary of the Interior.

Service area means reservations (former reservations in Oklahoma), allotments, restricted lands, and Indian-owned fee lands (including lands owned by corporations established pursuant to the Alaska Native Claims Settlement Act) within a geographical area designated by the tribe and approved by the Area Director to which equitable services can be delivered.

Servicing housing office means the Tribal Housing Office or Bureau Housing Assistance Office administering the Housing Improvement Program in the service area in which the applicant resides.

Superintendent means the Bureau official in charge of an agency office.

§ 256.3 Policy.

(a) The Bureau of Indian Affairs' housing policy is consistent with the objectives of the national housing policy that declares that every American family should have the opportunity for a decent home and suitable living environment. To the extent possible, the program will serve the neediest of the needy Indian families.

(b) Every Indian as defined in § 256.2 who meets the basic eligibility criteria defined in § 256.6 is entitled to participate in the program. Participation is based on priority of need, regardless of tribal affiliation, provided services can be delivered to the geographic area within which the participant resides.

(c) Tribal participation in and direct administration of the Housing Improvement Program is encouraged to the maximum extent possible. Tribal involvement is necessary to ensure that the services provided under the program are responsive to the needs of tribes and the program participants.

(d) Partnerships with complementary improvement programs are encouraged to increase the basic benefits derived from the Housing Improvement Program fund. An example is the agreement with Indian Health Services to provide water and sanitation facilities for Housing Improvement Program houses.

§ 256.4 Information collection.

The information collection requirements contained in § 256.9 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 *et seq.* and assigned clearance number 1076-0084. The information is collected to determine applicant eligibility for services and eligibility to participate in the program based on the criteria referenced in § 256.10 and in Table B to this part. Response is required to obtain a benefit. The public reporting burden for this form is estimated to average thirty minutes per response, including the time for reviewing the instructions, gathering and maintaining data, and completing and reviewing the form.

§ 256.5. What is the Housing Improvement Program?

The Housing Improvement Program provides funds to repair or replace houses that fail to meet basic building standards for the neediest of the needy Housing Improvement Program applicants.

§ 256.6 Am I eligible for the Housing Improvement Program?

You are eligible for the Housing Improvement Program if:

- (a) You are a member of a Federally-recognized American Indian tribe or Alaskan Native village; and
- (b) You are living in an approved tribal service area; and
- (c) Your annual income does not exceed 125% of the Department of Health and Human Services Poverty Income Guidelines. These guidelines are available from your servicing housing office.

§ 256.7 What are the Housing Improvement Program categories for which I am eligible?

(a) *Category A.* You are eligible to receive up to \$2,500 in housing repairs and improvements if the dwelling in which you are living cannot be brought to applicable building code standards.

(b) *Category B.* You are eligible to receive housing repairs and improvements if the cost to bring the dwelling to applicable building code standards does not exceed \$35,000, and:

- (1) You are the owner of the dwelling in which you are living;
- (2) The estimated cost of repairs and improvements, as determined by the Housing Improvement Program servicing office will result in making the dwelling meet applicable building code standards; and
- (3) You sign a written agreement that if you sell the dwelling within five (5) years following the date of completion of the repairs, the grant will be voided

and you will repay the full amount of the cost of repairs to the Bureau of Indian Affairs at the time of settlement.

(c) *Category C.* You are eligible to receive a modest (see Table A to this part, Occupancy and Square Footage Chart) replacement home, if:

(1) You are the owner of the dwelling in which you are living;

(2) The dwelling in which you are living cannot be brought to applicable code standards within the Category B cost limit of \$35,000; or you do not own a home but have ownership of sufficient land suitable for housing, with adequate ingress/egress rights; and

(3) You sign a written agreement that if you sell the house within the first ten (10) years from the date of ownership, the grant is voided and you will repay the full amount of the cost of the house to the Bureau of Indian Affairs at the time of settlement. If you sell the house after the first ten years, you can retain ten (10) percent of the original cost of the house per year, beginning in the eleventh year, with the remaining amount payable to the Bureau of Indian Affairs. If the sale occurs twenty (20) years or more after the date of ownership, you will not have to make repayment.

§ 256.8 Who administers the Housing Improvement Program?

The Housing Improvement Program is administered by a servicing housing office operated:

(a) By a tribal housing office under a Public Law 93-638 contract or a self-governance annual funding agreement; or

(b) By the Bureau of Indian Affairs.

§ 256.9 How do I apply for the Housing Improvement Program?

(a) First, you must obtain an application, BIA Form 6407, and a Privacy Act Statement from your nearest servicing housing office.

(b) Second, you must complete and sign BIA Form 6407 and the Privacy Act Statement.

(c) Third, you must submit your completed application and signed Privacy Act Statement to your servicing housing office. Submission to the nearest BIA housing office does not preclude tribal approval of the application.

(d) Fourth, you must furnish documentation proving tribal membership. Examples of acceptable documentation include a copy of your Certificate of Degree of Indian Blood (CDIB) or a copy of your tribal membership card.

(e) Fifth, you must provide proof of income from all members of the household.

(1) You must submit *signed* copies of current 1040 tax returns from all members of the household, including W-2's and all attachments.

(2) You must provide proof of all other income from all members of the household. This includes unearned income such as social security, aid to families with dependent children (AFDC), retirement and unemployment benefits.

(3) If you or other household members did not file a tax return, you must submit a signed, notarized statement explaining why a tax return was not filed.

(f) Sixth, you must furnish a copy of your trust income statement, such as for royalty and lease monies, from your home agency. If you do not have an account, you must ask your agency to provide a statement to that effect.

(g) Seventh, you must provide proof of ownership (sole possessory interest) of the residence and/or land:

(1) For fee property, you must provide a copy of a fully executed Warranty Deed, Gift Deed, or other exclusive possessory agreement, which is available at your local county court house; or

(2) For trust property, you must provide a copy of certification from the Agency Realty Office; or

(3) For tribally-owned land, you must provide a copy of a properly executed tribal assignment; or

(4) For multi-owner property, you must provide a copy of a properly executed lease of not less than twenty-five (25) years.

(h) Eighth, you must furnish a copy of a map and a letter from an official source indicating whether your residence and/or land is in an area having special flood hazards:

(1) If your land is held in trust, you must obtain this information from your servicing housing office.

(2) If your land is fee land, you must obtain this information from the county in which your land is located.

§ 256.10 What are the steps that must be taken to process my application for the Housing Improvement Program?

(a) The servicing housing office must review your application for completeness. If your application is incomplete, it will be returned to you along with a written explanation and advice on how to complete and resubmit your application.

(b) The servicing housing office will use your completed application to determine if you are eligible for the Housing Improvement Program.

(1) If you are found ineligible for the Housing Improvement Program or

otherwise do not qualify for the program, the servicing housing office will advise you in writing within 45 days of receipt of your completed application. Your application may be placed in a file with the applications of other ineligible applicants for a period of not less than two (2) years. Your application may be used to develop workload and housing needs information by the servicing housing office.

(2) If you are found eligible for the Housing Improvement Program, the servicing housing office will inform you in writing within 45 days of receipt of your completed application.

(c) If you are found eligible for the Housing Improvement Program, the servicing housing office will assess your application for need, according to the factors and numeric values shown in Table B to this part.

(d) Based on the total numeric value assigned to each application, the servicing housing office will develop the List of Eligible Housing Improvement Program Applicants (LEHIPA), ranked in order of need, from highest to lowest. In the case of a tie, the family with the lower income will be served first.

(e) The servicing housing office will develop and include on the LEHIPA the estimated cost of improvements, repairs or replacement for each application.

(f) The servicing housing office will compare the LEHIPA with the total amount of funds available for the program. Starting with the most needy applicant, the amount of available funds is reduced by the amount of estimated, allowable costs to improve, repair or replace the applicant's dwelling. This process is repeated for the next applicant on the list until there are no more funds.

(1) The servicing housing office will advise you in writing within 45 days of completion of the LEHIPA whether funds are available for the improvement, repair or replacement of your dwelling.

(2) If funds are available to meet the estimated cost of improvement, repair, or replacement of your dwelling, the servicing housing office will identify your application as "active" on the LEHIPA.

(3) If there are no available funds for improving, repairing or replacing your dwelling, your application will be identified as having "no available funds" on the LEHIPA.

(g) Your application will be held for an indefinite period of time during which your servicing housing office will request, in writing, annual written confirmation from you that your application is still accurate.

(1) Your written confirmation will permit your application to be included in the next annual ranking of eligible applicants.

(2) Your servicing housing office will advise you in writing and provide written explanation should you need to submit a new or updated application.

(3) Should your circumstances change appreciably during the time that your application is pending funding, you are encouraged to submit an updated application at your earliest convenience.

(h) Your servicing housing office will prepare an annual report identifying construction work undertaken during the fiscal year and related construction expenditures. The annual report is due on October 15 of each year for fiscal year tribes and on January 15 of each year for calendar year tribes. The report, at a minimum, will contain:

- (1) Number of Eligible Applicants;
- (2) Number of Applicants Provided Service;
- (3) Names of Applicants Provided Service;
- (4) For Each Applicant Provided Service:
 - (i) Date of Construction start;
 - (ii) Date of Construction Completion, if applicable;
 - (iii) Cost; and.
 - (iv) HIP Category.

§ 256.11 How long will I have to wait for the improvement, repair, or replacement of my dwelling to be done?

The length of time that it takes to accomplish the work to be done on your dwelling is dependent on:

- (a) Whether funds are available;
- (b) The type of work to be done; and
- (c) The climate and seasonal conditions where your dwelling is located.

§ 256.12 Who is responsible for identifying what work will be done on my dwelling?

The servicing housing office is responsible for identifying what work is to be done on your dwelling or whether your dwelling will be replaced.

§ 256.13 What will the servicing housing office do to identify what work is to be done on my dwelling?

(a) First, a trained and qualified representative of your servicing housing office must visit your dwelling to identify what improvements or repairs are to be done under the Housing Improvement Program. The representative must ensure that flood, National Environmental Protection Act (NEPA) and earthquake requirements are met.

(b) Second, based on the list of improvements or repairs to be done, the representative must estimate the total

cost of improvements or repairs to your dwelling. Cost estimates must be based on locally available services and product costs, or other regional-based, industry-recognized cost data, such as that provided by the MEANs or MARSHAL SWIFT. If the dwelling is located in Alaska, documented, reasonable and substantiated freight costs, in accordance with Federal Property Management Regulations (FPMR 101-40), not to exceed 100% of the cost of materials, can be added to the cost of the project.

(c) Third, the representative must determine which Housing Improvement Program category the improvements to your dwelling meet, based on the estimated cost of improvements or repairs. If the estimated cost to repair your dwelling is \$35,000 or more, the representative must approve your dwelling for replacement.

(d) Fourth, the representative must develop a detailed, written report, also called "bid specifications," that identifies what and how the improvement, repair and construction work is to be accomplished at the dwelling.

(1) When the work includes new construction, the "bid specifications" will be supplemented with a set of construction plans. The plans must not exceed the occupancy and square footage criteria identified in Table A of this part, Occupancy and Square Footage Chart. The plans must be sufficiently detailed to provide complete instructions to the builder for the purpose of construction.

(2) "Bid specifications" are also used to inform potential bidders of what work is to be done.

§ 256.14 How will I be advised of what work is to be done?

You will receive written notice from the servicing housing office of what work is being scheduled under the Housing Improvement Program. You will be requested to concur with the scheduled work by signing a copy of the notice and returning it to the servicing housing office. No work will be started until the signed copy is returned to the servicing housing office.

§ 256.15 Who performs the improvements, repairs, or replacement of my dwelling?

Independent repair and construction trades persons and home building contractors will perform the improvements, repairs or replacement of your dwelling.

§ 256.16 How are these repair or construction trades persons and home building contractors selected and paid?

(a) The servicing housing office must provide the prepared "bid specifications," also called a statement of work, to the local Bureau or tribal contracting office. The office will use the statement of work to advertise the work. Advertising will be accomplished by two or more of the following means: local or national newspapers; various tribal publications; physical or electronic bulletin boards; any other generally-recognized advertising media.

(b) Based on the statement of work, interested parties are invited to bid on the job.

(c) The winning bidder will be selected by the local Bureau or tribal contracting office, after technical review by and written recommendation from the servicing housing office. Prior to selection, bidders must be determined to be qualified contractors capable of completing the contract as advertised.

(d) Payments to the winning bidder are negotiated in the contract. Payments are based on specified delivery of services.

(1) Partial payments will not exceed 80 percent of the value of the completed work.

(2) Final payment will be made after final inspection and after all provisions of the contract have been met, including punch-up items.

§ 256.17 Will I have to vacate my dwelling while repair work or replacement of my dwelling is being done?

(a) You will be notified by the servicing housing office that you must vacate your dwelling only if:

(1) It is scheduled for major repairs requiring that all occupants vacate the dwelling for safety reasons; or

(2) It is scheduled for replacement which requires the demolition of your current dwelling.

(b) If you are required to vacate the premises for the duration of the construction, you are responsible for:

- (1) Locating other lodging;
- (2) Paying all costs associated with vacating and living away from the dwelling; and
- (3) Removing all your belongings and furnishings prior to the scheduled, beginning work date.

§ 256.18 How can I be sure that the work that is being done on my dwelling meets minimum construction standards?

(a) At various stages of construction, a trained and qualified servicing housing office representative or building inspector will review the construction to ensure that it meets applicable minimum construction standards and

building codes. Upon completion of each stage, further construction is prohibited until the inspection occurs and approval is granted.

(b) Inspections are, at a minimum, made at the following stages of construction:

- (1) Footings;
- (2) Closed in, rough wiring and rough plumbing; and
- (3) At final completion.

§ 256.19 How will I be advised that the repair work or replacement of my dwelling has been completed?

You will be advised in writing by the servicing housing office that the work has been completed in compliance with the project contract. Also, you will have a final walk-through of the dwelling with your servicing housing office representative. You will be requested to verify that you received the notice of completion of the work by signing a copy of the notice and returning it to the servicing housing office representative.

§ 256.20 How many times can I receive improvements, repairs, or replacement services under the Housing Improvement Program?

(a) Under Category A you can receive services under the Housing Improvement Program more than one (1) time, for improvements to the dwelling in which you are living to improve the safety and sanitation of the dwelling;

(1) For not more than a total cost of \$2,500; and,

(2) For not more than one dwelling; and,

(b) Under Category B, after October 1, 1986, you may receive services one (1) time, for repairs to the dwelling that you own and occupy that requires not more than \$35,000 to make the dwelling meet applicable building code standards; or,

(c) Under Category C, after October 1, 1986, you may receive services one (1) time, for a modest replacement home.

§ 256.21 Will I need flood insurance?

You will need flood insurance if your dwelling is located in an area identified as having special flood hazards under the Flood Disaster Protection Act of 1973 (Public Law 93-234, 87 Stat. 977). Your servicing housing office will advise you.

§ 256.22 Is my Federal Government assisted dwelling eligible for services under the Housing Improvement Program?

No. Housing purchased with Federally subsidized funds are not eligible for services under the Housing Improvement Program.

§ 256.23 Are mobile homes eligible for services under the Housing Improvement Program?

No. A mobile home with an integral steel frame, also referred to as a manufactured home, is not eligible for any services under the Housing Improvement Program.

§ 256.24 Can Housing Improvement Program resources be supplemented with other available resources?

Yes. Housing Improvement Program resources may be supplemented through

other available resources for the purpose of:

(a) Increasing the number of Housing Improvement Program recipients. Supplemental funds cannot be used to increase Housing Improvement Program limits or the scope of an individual project; or

(b) Increasing the basic benefits derived from the Housing Improvement Program, such as, but not limited to, providing sanitation facilities, water or road access.

§ 256.25 What can I do if I disagree with actions taken under the Housing Improvement Program?

You may appeal action or inaction by an official of the Bureau of Indian Affairs, in accordance with 25 CFR part 2. You may appeal action or inaction by tribal officials through the appeal process established by the servicing tribe.

TABLE A TO PART 256.—OCCUPANCY AND SQUARE FOOTAGE CHART

Number of occupants	Number of bedrooms	Total house square footage (maximum)
1-4	2	900
5-7	3	1050
8+	4	11200

¹ Adequate for all but the very largest families.

TABLE B TO PART 256.—PRIORITY RANKING FACTORS

Factor—Ranking factor and definition	Ranking descriptors	Point descriptors
1. Annual Household Income	Income/ 125%/FPIG* (% of 125% of FPIG).	Points (Maximum=40)
• Must include income of all persons counted in Factors 2, 3, and 4	0-25	40
	26-50	30
	51-75	20
• Income includes earned income, royalties, and one-time income	76-100	10
	101-125	0
2. Aged Persons	Years of Age	Points
• For the benefit of persons age 55 or older, and	Less than 55	0
• Must be living in the dwelling	55 and over	1 point per year of age over 54
3. Handicapped Individual	% of Handicap (A+B%/2)	Points (Maximum=20)
• Any one (1) handicapped person living in the dwelling	100%	20
(The percentage of handicap must be based on the average (mean) of the % of disabilities identified from two (2) sources (A+B) of statements of condition which may include a physician's certification, Social Security or Veterans Affairs determination, or similar determination.).	or less than 100%.	10
4. Dependent Children	Dependent Child (Number of Children).	Points (Maximum=5)

TABLE B TO PART 256.—PRIORITY RANKING FACTORS—Continued

Factor—Ranking factor and definition	Ranking descriptors	Point descriptors
• Must be under the age of 18 or such other age established for purposes of parental support by tribal or state law (if any).	1	0
• Must live in the dwelling and not be married	2 3 4 5 6 or more	1 2 3 4

* FPIG means Federal Poverty Income Guidelines

Dated: June 17, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-16673 Filed 7-12-96; 8:45 am]

BILLING CODE 4310-02-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 63 and 430

[FRL-5535-5]

RIN 2060-AD03 and 2040-AB53

Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Pulp, Paper, and Paperboard Category; National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production; Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: On December 17, 1993, EPA proposed standards to reduce the discharge of water pollutants and emissions of hazardous air pollutants from the pulp, paper, and paperboard industry (58 FR 66078). This document describes the Agency's goals for environmental improvement in this industry, announces a framework for the final wastewater standards, and presents the preliminary results of detailed analyses for a portion of this industry.

DATES: Comments on this notice are solicited and will be accepted until August 14, 1996. Comments are to be submitted in triplicate, and also in electronic format (diskettes) if possible.

ADDRESSES: Comments are to be submitted to Mr. David Hoadley at the following address: Engineering and Analysis Division (4303), EPA, 401 M Street, SW., Washington, DC 20460.

The framework and preliminary results of detailed analyses being announced today are based on data and information in the EPA Water Docket at

EPA Headquarters at Waterside Mall, room M2616, 401 M Street, SW, Washington, DC 20460, telephone (202) 260-3027. The Docket staff requests that interested parties call for an appointment before visiting the Docket. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For questions regarding wastewater standards, contact Mr. Donald Anderson at the following address: Engineering and Analysis Division (4303), EPA, 401 M Street, SW., Washington, DC 20460, telephone number (202) 260-7189, or Mr. Ronald Jordan also at this address, telephone number (202) 260-7115. For questions regarding air emissions standards, contact Ms. Penny Lassiter, Emissions Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-5396.

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