

(1) You or another party file an action concerning the decision in Federal district court;

(2) The Appeals Council decides to review the decision on its own motion under the authority provided in § 416.1469; or

(3) The decision is revised by the administrative law judge or the Appeals Council under the procedures explained in § 416.1487.

(c) *Notice of the decision of an administrative law judge.* The notice of decision the administrative law judge issues in a case processed under this section will advise you and any other parties to the decision that you may file an action in a Federal district court within 60 days after the date you receive notice of the decision.

(d) *Extension of time to file action in Federal district court.* Any party having a right to file a civil action under this section may request that the time for filing an action in Federal district court be extended. The request must be in writing and it must give the reasons why the action was not filed within the stated time period. The request must be filed with the Appeals Council. If you show that you had good cause for missing the deadline, the time period will be extended. To determine whether good cause exists, we will use the standards in § 416.1411.

[FR Doc. 97-12938 Filed 5-15-97; 8:45 am]  
BILLING CODE 4190-29-P

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### 20 CFR Parts 718, 722, 725, 726 and 727

[RIN 1215-AA99]

#### Regulations implementing the Federal Coal Mine Health and Safety Act of 1969, as Amended; Extension of Comment Period; Additions to the Record

**AGENCY:** Employment Standards Administration, Labor.

**ACTION:** Proposed rule; extension of comment period; additions to the record.

**SUMMARY:** This document extends the period for filing comments regarding the proposed rule to amend and revise the regulations implementing the Black Lung Benefits Act. This action is taken to permit additional comment from interested persons. In addition, this document informs all interested persons that the Department is adding three

medical articles to the official rulemaking record and invites comments on those articles.

**DATES:** Comments must be received on or before August 21, 1997.

**ADDRESSES:** Send written comments on the proposed rule to James L. DeMarce, Director, Division of Coal Mine Worker's Compensation, Room C-3520, Frances Perkins Building, 200 Constitution Ave., NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** James L. DeMarce, (202) 219-6692.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of January 22, 1997 (62 FR 3338-3435), the Department of Labor published a proposed rule intended to amend and revise the regulations implementing the Black Lung Benefit Act, subchapter IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. Interested persons were requested to submit comments on or before March 24, 1997. In the **Federal Register** of February 24, 1997 (62 FR 8201), the Department extended the comment period through May 23, 1997. The trade association representing coal mine operators has requested that the Department once again extend the comment period. The trade association seeks additional time to analyze existing medical evidence and submit its analysis to peer review. The Department deems it desirable to extend the comment period for all interested persons. Therefore, the comment period for the proposed rule, amending and revising 20 CFR Parts 718, 722, 725, 726 and 727, is extended through August 21, 1997.

In addition, following publication of the proposed rule, the Department learned of three medical articles relevant to its proposed revision of the definition of the term "pneumoconiosis" at 20 CFR 718.201. See 62 FR 3343-44 (discussion), 3376 (definition). Those articles are: Becklake, M., "Occupational Exposures: Evidence for a Causal Association with Chronic Obstructive Pulmonary Disease," *American Review of Respiratory Disease*, 140: S85-S91, 1989; "Coal Dust and Compensation," *The Lancet*, Vol. 335, No. 8685, pp. 322-324 (Feb. 10, 1990); and Wright, J. *et al.*, "State of the Art: Diseases of the Small Airways," *American Review of Respiratory Diseases*, 146: 240-262, 1992. The Department gives notice of its inclusion of these articles in the official rule-making record, and invites comments on them. Copies of the articles may be reviewed at the Department of Labor.

Signed at Washington, D.C. this 5th day of May, 1997.

**Bernard E. Anderson,**

*Assistant Secretary for Employment Standards.*

[FR Doc. 97-12324 Filed 5-15-97; 8:45 am]

BILLING CODE 4510-27-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 181

RIN 1076-AD82

#### Indian Highway Safety Program Competitive Grant Selection Criteria

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) intends to make funds available to federally recognized tribes on an annual basis for financing tribal highway safety projects designed to reduce the incidence of traffic accidents within Indian country. Due to the limited funding available for the Indian Highway Safety Program, the BIA will review and select from proposed tribal projects on a competitive basis. The proposed rule presents the selection criteria.

**DATES:** Comments must be postmarked by July 15, 1997.

**ADDRESSES:** Comments should be sent to Program Administrator, Indian Highway Safety Program, 505 Marquette Avenue, NW, Suite 1705, Albuquerque, NM 87102.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles Jaynes, Chief, BIA Division of Safety Management, (505) 248-5060.

**SUPPLEMENTARY INFORMATION:** This proposed rule sets forth the procedures that will govern the BIA's selection of recipients of the Indian Highway Safety Program grant. The BIA mails grant applications for a given fiscal year to all tribal leaders by the end of February of the preceding fiscal year. Applicants must submit completed applications by the close of business on June 1. The BIA will review and evaluate each complete and timely filed application. BIA seeks to fund as many programs as possible and to the level practicable within the confines of a limited program budget. The scarce amount of resources often forces the BIA to limit funding to select portions of a proposed tribal project.

We are publishing this proposed rule by the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Our policy is to give the public an opportunity to participate in the rulemaking process. Interested persons may submit written comments to the location identified in the ADDRESSES section of the preamble. We will consider all comments timely filed during the public comment period, make any necessary revisions and issue the final rule.

We certified to the Office of Management and Budget (OMB) that this proposed rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988. This proposed rule is not a significant rule under Executive Order 12866 and does not require approval by the OMB. This proposed rule does not constitute a major Federal action significantly affecting the human environment and, therefore, no detailed statement is needed under the National Environmental Policy Act of 1969. Furthermore, this proposed rule does not have significant takings implications in accordance with Executive Order 12630, does not have significant Federalism effects, and does not have a significant economic impact of a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

#### Unfunded Mandates Act of 1996

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

Under 23 U.S.C. 402, the Department of Transportation (DOT) funds both the DOT State Highway Safety Program and the BIA Indian Highway Safety Program. The information contained in each grant application under both programs is identical. The Indian Highway Safety Program competitive grant application solicits only the information DOT requires for its State Highway Safety Program and uses it for substantially the same purpose of awarding Highway Safety Program funds to applicants. OMB has reviewed and approved the information collection requirements for the DOT State Highway Safety Program. See OMB Control Number 2127-0003. No additional OMB authorization is needed.

The primary author of this document is Lawrence Archambeau, Bureau of Indian Affairs.

#### List of Subjects in 25 CFR Part 181

Indians, Highways and roads,  
Highway safety.

For the reasons set forth in the preamble, Part 181 is proposed to be added to 25 CFR subchapter H as follows:

#### PART 181—INDIAN HIGHWAY SAFETY PROGRAM

Sec.

181.01 Purpose.

181.02 Definitions.

181.03 Am I eligible to receive a program grant?

181.04 How do I obtain an application?

181.05 How are applications ranked?

181.06 How are applicants informed of the results?

181.07 Appeals.

Authority: 23 U.S.C. 402; 25 U.S.C. 13.

##### § 181.01 Purpose.

This part will assist the BIA Indian Highway Safety Program Administrator to disperse funds DOT/NHTSA has made available. The funds assist selected tribes with their proposed Highway Safety Projects. These projects are designed to reduce traffic crashes, reduce impaired driving crashes, increase occupant protection education, provide Emergency Medical Service training, and increase police traffic services.

##### § 181.02 Definitions.

*Appeal* means a written request for review of an action or the inaction of an official of the BIA that is claimed to adversely affect the interested party making the request.

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

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

*Grant* means a written agreement between the BIA and the governing body of an Indian tribe or Indian organization wherein the BIA provides funds to the grantee to plan, conduct, or administer specific programs, services, or activities and where the administrative and programmatic provisions are specifically delineated.

*Grantee* means the tribal governing body of an Indian tribe or Board of Directors of an Indian organization responsible for grant administration.

*Recipient* means an individual or persons who have been determined as eligible and are receiving financial assistance or services under this part.

##### § 181.03 Am I eligible to receive a program grant?

The Indian Highway Safety Program grant is available to any federally recognized tribe. Because of the limited financial resources available for the

program, the Bureau of Indian Affairs (BIA) is unable to award grants to all applicants. Furthermore, some grant recipients may only be awarded a grant to fund certain aspects of their proposed tribal projects.

##### § 181.04 How do I obtain an application?

BIA mails grant application packages for a given fiscal year to all federally recognized tribes by the end of February of the preceding fiscal year. Additional application packages are available from the Program Administrator, Indian Highway Safety Program, P.O. Box 2003, Albuquerque, New Mexico 87103. Each application package contains the necessary information concerning the application process, including format, content, and filing requirements.

##### § 181.05 How are applications ranked?

BIA ranks each timely filed application by assigning points based upon four factors.

(a) Factor No. 1—Magnitude of the problem (Up to 50 points available). In awarding points under this factor, BIA will take into account the following:

(1) Whether a highway safety problem exists.

(2) Whether the problem is significant.

(3) Whether the proposed tribal project will contribute to resolution of the identified highway safety problem.

(4) The number of traffic accidents occurring within the applicant's jurisdiction over the previous 3 years.

(5) The number of alcohol-related traffic accidents occurring within the applicant's jurisdiction over the previous 3 years.

(6) The number of reported traffic fatalities occurring within the applicant's jurisdiction over the previous 3 years.

(7) The number of reported alcohol-related traffic fatalities occurring within the applicant's jurisdiction over the previous 3 years.

(b) Factor No. 2—Countermeasure selection (Up to 40 points available). In awarding points under this factor, BIA will take into account the following:

(1) Whether the countermeasures selected are the most effective for the identified highway safety problem.

(2) Whether the countermeasures selected are cost effective.

(3) Whether the applicant's objectives are realistic and attainable.

(4) Whether the applicant's objectives are time framed and, if so, whether the time frames are realistic and attainable.

(c) Factor No. 3—Tribal leadership and community support (Up to 10 points available). In awarding points under this factor, BIA will take into account the following:

(1) Whether the applicant proposes using tribal resources in the project.

(2) Whether the appropriate tribal governing body supports the proposal plan, as evidenced by a tribal resolution or otherwise.

(3) Whether the community supports the proposal plan, as evidenced by letters or otherwise.

(d) Factor No. 4—Past performance (+ or – 10 points available). In awarding points under this factor, BIA will take into account the following:

(1) Financial and programmatic reporting requirements.

(2) Project accomplishments.

#### **§ 181.06 How are applicants informed of the results?**

BIA will send a letter to all applicants notifying them of their selection or non-selection for participation in the Indian Highway Safety Program for the upcoming fiscal year. BIA will explain to each applicant not selected for participation the reason(s) for non-selection.

#### **§ 181.07 Appeals.**

You may appeal actions taken by BIA officials under this part by following the procedures in 25 CFR part 2.

Dated: May 6, 1997.

**Ada E. Deer,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 97-12935 Filed 5-15-97; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 180**

[OPP-300486A; FRL-5719-2]

RIN AC18

#### **Bromoxynil; Pesticide Tolerances; Extension of Comment Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Extension of comment period.

**SUMMARY:** Notice is hereby given that the period for filing public comment on the proposed tolerances for bromoxynil and its metabolite DBHA on cotton commodities, and for bromoxynil on animal commodities is extended.

**DATES:** Public comments must be received on or before May 26, 1997.

**ADDRESSES:** By mail, submit written comments to: Public Information and Records Integrity Branch, Information and Resources Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring

comments to Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under Unit II. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

**FOR FURTHER INFORMATION CONTACT:** By mail: Jim Tompkins, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305-5697; e-mail: tompkins.jim@epamail.epa.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

In the **Federal Register** of May 2, 1997 (62 FR 24065) (FRL-5617-5), EPA issued a Notice of Proposed Rulemaking for establishment of tolerances for residues of the herbicide bromoxynil and its metabolite DBHA on cotton commodities; for establishment of tolerances for residues of bromoxynil on poultry commodities (including eggs); and for revision of tolerances for residues of bromoxynil on other meat commodities and milk. Written comments on the proposed rule were to be received on or before May 19, 1997. On May 6, 1997, the Union of Concerned Scientists and the Environmental Defense Fund requested that EPA extend this comment period from 17 to 60 days.

Under section 408(e) of the FFDCA, EPA is required to provide a 60-day comment period on proposed rules unless EPA finds for good cause that it would be in the public interest to provide a shorter period. EPA shortened the comment period on the bromoxynil tolerances to 17 days based on the fact that previous notice had been provided on the central issue of establishing a tolerance permitting use of bromoxynil on cotton, and cotton growers faced a potential hardship if a decision is not made expeditiously.

In their request for an extension of the comment period, the Union of Concerned Scientists and the Environmental Defense Fund cited a number of health issues and questions regarding interpretation of the FFDCA safety standard. EPA does not believe these groups have shown that it is not in the public interest to shorten the comment period. EPA also does not think that the groups have demonstrated that the comment period is inadequate to address the issues they have raised.

Nonetheless, EPA will extend the comment period for an additional 7 days. Comments will now be due on or before May 26, 1997.

##### **II. Public Docket**

The official record for the proposed rule, as well as the public version, has been established for the proposal under docket control number "OPP-300486" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in Wordperfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPP-300486. Electronic comments on the proposed rule may be filed online at many Federal Depository Libraries.

##### **List of Subjects in 40 CFR Part 180**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additive, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 12, 1997.

**James Jones,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 97-13047 Filed 5-15-97; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Surface Transportation Board**

#### **49 CFR Part 1039**

[Ex Parte No. 346 (Sub-No. 36)]

#### **Rail General Exemption Authority—Exemption of Nonferrous Recyclables and Railroad Rates on Recyclable Commodities**

**AGENCY:** Surface Transportation Board, Transportation.

**ACTION:** Proposed rule, withdrawal.