

**IV. Service of Process (CSOSA and PSA, except for PSA subpoenas)**

Office of the General Counsel, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue, NW., Washington, DC 20004

**V. Tort Claims (CSOSA and PSA)**

Office of the General Counsel, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue, NW., Washington, DC 20004

[FR Doc. 01-395 Filed 1-5-01; 8:45 am]

BILLING CODE 3129-01-P

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD08-00-029]

RIN 2115-AE47

**Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary deviation.

**SUMMARY:** The Commander, Eighth Coast Guard District, has authorized a deviation from the regulation governing the Burlington Railroad Drawbridge, Mile 403.1, Upper Mississippi River at Burlington, Iowa. This deviation allows the drawbridge to remain closed-to-navigation for 60 days from 12:01 a.m., December 31, 2000, until 12:01 a.m., March 1, 2001. The drawbridge will open on signal if at least six (6) hours advance notice is given.

**DATES:** This temporary deviation is effective from 12:01 a.m., December 31, 2000, until 12:01 a.m., March 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Roger K. Wiebusch, Bridge Administrator, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, (314) 539-3900, extension 378.

**SUPPLEMENTARY INFORMATION:** The Burlington Railroad Drawbridge provides a vertical clearance of 21.5 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This deviation has been coordinated with waterway users who do not object.

This deviation allows the bridge to remain closed-to-navigation from 12:01 a.m., December 31, 2000, to 12:01 a.m., March 1, 2001, with openings provided upon receipt of six (6) hours advance notice. Advance notice may be given by calling Mr. Al Poole, (309) 345-6103

during work hours and Mr. Larry Moll, (309) 752-5244, after hours. The drawbridge normally opens on signal.

Dated: December 28, 2000

**K.J. Eldridge,**

*Captain, U.S. Coast Guard, Acting Commander, Eighth Coast Guard District.*

[FR Doc. 01-436 Filed 1-5-01; 8:45 am]

BILLING CODE 4910-15-U

**DEPARTMENT OF EDUCATION****34 CFR Part 606****Developing Hispanic-Serving Institutions Program**

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** When we published final regulations for the Developing Hispanic-Serving Institutions (HSI) Program in the *Federal Register* of December 15, 1999, it appears that one of the regulatory provisions, dealing with the eligibility of branch campuses to receive grants, could be viewed in a manner that would result in an unintended change of policy. To rectify this problem, we are revising that regulation to more clearly reflect our long standing policy that a branch campus is eligible to apply for an HSI grant if the branch campus serves the appropriate number of Hispanic students even if the main campus does not.

**DATES:** These regulations are effective February 7, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Sophia McArdle, U.S. Department of Education, 1990 K Street, NW., Room 6061, Washington, DC 20006-8512. Telephone: (202) 219-7078. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:****Background**

The Higher Education Amendments of 1992, Pub. Law 102-325, amended the Higher Education Act of 1965, as amended (HEA), by adding the Developing Hispanic-Serving-Institutions (HSI) Program as an authorized program under Title III, Part A of the HEA. The HSI Program was

authorized in section 316 of Title III of the HEA.

Under section 316, in general, an HSI institution was an institution that satisfied the statutory definition of an "eligible institution" contained in section 312 of the HEA, and had at least 25 percent of its enrollment consist of Hispanic students. An eligible institution under section 312 of the HEA basically satisfied four conditions. Two of the conditions related to accreditation and licensure. The other two required the institution to have a high percentage of low income students and low education and general (E&G) expenditures.

Under section 312, a branch campus of an eligible institution also qualified as an eligible institution if its main campus satisfied all four conditions and it, on its own, satisfied the last two.

Regulations that we promulgated to implement these institutional eligibility requirements were codified in 34 CFR 607.2(b) and (d). The regulations did not specifically address whether the main campus of a branch campus that applied for an HSI Program grant had to satisfy the Hispanic student enrollment requirement. However, it was the Department's policy that a main campus did not have to qualify as an eligible HSI institution in terms of student enrollment if the branch campus is qualified.

In the Higher Education Amendments of 1998, Public Law 105-244, the Congress moved the HSI Program into Title V of the HEA and reenacted, in that title, all the relevant provisions that governed that program while it was part of Title III of the HEA. To accommodate that statutory change, we codified all the HSI Program requirements in a new part, 34 CFR Part 606. The recodification was technical in nature and did not involve any change in policy. Therefore, when we published Part 606 in the *Federal Register* on December 15, 1999, we waived rulemaking. However, it has recently come to our attention that one of the recodified regulatory provisions has been read by some as though it, in fact, made a change in policy. That provision was § 606.2(b), relating to the eligibility of a branch campus to qualify as an eligible HSI institution.

As presently written, it could be viewed that in order for a branch campus to qualify as an eligible HSI institution, it and its main campus must have an enrollment of at least 25 percent Hispanic students. As described above, however, such a reading would be inconsistent with the Department's policy that the main campus does not have to satisfy that requirement along

with the branch campus. Therefore, we are revising § 602.2(b) to more clearly reflect the Department's long-standing policy.

#### Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these regulations merely clarify statutory changes and do not establish or effect substantive policy. Therefore, under 5 U.S.C. 553(b)(8), the Secretary has determined that proposed regulations are unnecessary and contrary to public interest.

#### Regulatory Flexibility Act Certification

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by these regulations are small institutions of higher education (IHEs) receiving Federal funds under this program. However, the regulations would not have a significant economic impact on the small IHEs affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

#### Paperwork Reduction Act of 1995

These final regulations do not contain any information collection requirements.

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<http://www.access.gpo.gov/nara/index.html>

(Catalog of Federal Domestic Assistance Numbers: 84.031S, 84.031A, and 84.031B)

#### List of Subjects in 34 CFR Part 606

Colleges and universities, Grant programs-education, Reporting and recordkeeping requirements.

Dated: December 29, 2000.

A. Lee Fritschler

Assistant Secretary, Office of Postsecondary Education.

For the reasons discussed in the preamble, the Secretary amends Title 34 of the Code of Federal Regulations by amending part 606 as follows:

#### PART 606—DEVELOPING HISPANIC-SERVING INSTITUTIONS PROGRAM

1. The authority citation for part 606 continues to read as follows:

**Authority:** 20 U.S.C. 1101 *et seq.*, unless otherwise noted.

2. Section 606.2 is amended by revising paragraph (b) to read as follows:

##### § 606.2 What institutions are eligible to receive a grant under the Developing Hispanic-Serving Institutions Program?

\* \* \* \* \*

(b) A branch campus of a Hispanic-Serving institution is eligible to receive a grant under this part if—

(1) The institution as a whole meets the requirements of paragraphs (a)(3) through (a)(6) of this section; and (2)

The branch campus satisfies the requirements of paragraphs (a)(1) through (a)(4) of this section.

\* \* \* \* \*

[FR Doc. 01-430 Filed 1-5-01; 8:45 am]

BILLING CODE 4000-01-U

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 63

[AD-FRL-6928-2]

RIN 2060-AH96

##### National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

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

**ACTION:** Final rule; technical corrections and amendments.

**SUMMARY:** Under the Clean Air Act (CAA), the EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) from Off-Site Waste and Recovery Operations (OSWRO) on July 1, 1996 with subsequent amendments on July 20, 1999. The promulgated rule requires

new and existing major sources to control emissions of hazardous air pollutants (HAP) to the level reflecting application of the maximum achievable control technology. The technical corrections and minor technical amendments in this action will not change the basic control requirements of the rule or the level of health protection it provides.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because the changes to the rule are minor technical corrections, are noncontroversial in nature, and do not substantively change the requirements of the OSWRO rule. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Section 553(d)(3) allows an agency, upon finding good cause, to make a rule effective immediately. Because today's changes do not substantively change the requirements of the OSWRO rule, we find good cause to make these amendments effectively immediately.

**EFFECTIVE DATE:** January 8, 2001.

**ADDRESSES:** Docket No. A-92-16 contains the supporting information for the original OSWRO NESHAP and this action. The docket is located at the U.S. EPA in room M-1500, Waterside Mall (ground floor), 401 M Street SW, Washington, DC 20460, and may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elaine Manning, Waste and Chemical Processes Group, Emission Standards Division (MD-13), U.S. EPA, Research Triangle Park, NC, 27711, telephone number (919) 541-5499, facsimile number (919) 541-0246, electronic mail address [manning.elaine@epa.gov](mailto:manning.elaine@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated Entities.* Entities potentially regulated by this action include the following types of facilities if the facility receives "off-site material" as defined in the rule, and the facility is determined to be a major source of emissions of HAP as defined in 40 CFR 63.2.