

are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731 and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

The Department of the Interior has determined that this 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.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 8, 1996.

Tim L. Dieringer,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96-17964 Filed 7-15-96; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AH89

VA Homeless Providers Grant and Per Diem Program Clarification of Per Diem Eligibility

AGENCY: Department of Veterans Affairs.
ACTION: Proposed rule.

SUMMARY: It is proposed to amend the regulations implementing the VA Homeless Providers Grant and Per Diem Program concerning per diem assistance by: Establishing more detailed criteria for determining which entities are eligible for obtaining per diem assistance; establishing a priority for funding eligible entities; clarifying the requirements for continued receipt of per diem payments; and clarifying the maximum amount payable for per diem assistance. The proposal is designed to ensure that the appropriate entities receive the appropriate amount of per diem assistance under fair and objective procedures. This document also proposes to obtain approval of collection of information provisions concerning applicants for grants and per diem.

DATES: Comments must be received on or before September 16, 1996.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Room 1154, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AH89." All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Roger Casey, VA Homeless Providers Grant and Per Diem Program, Mental Health and Behavioral Sciences Service (111C1E), Department of Veterans Affairs, 810 Vermont Avenue, NW,

Washington, DC 20420; (202) 273-8442. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: It is proposed to amend the regulations implementing VA's Homeless Providers Grant and Per Diem Program (38 CFR part 17.700) concerning per diem assistance by: (1) Establishing more detailed criteria for determining which entities are eligible for obtaining per diem assistance; (2) establishing a priority for funding eligible entities; (3) clarifying the requirements for continued receipt of per diem payments; and (4) clarifying the maximum amount payable for per diem assistance. These regulations were established pursuant to Homeless Veterans Comprehensive Services Act of 1992 (Pub. L. 102-590, as amended by Pub. L. 104-110). The regulations set forth provisions to assist public or non-profit private entities in establishing new programs to furnish supportive services and supportive housing for homeless veterans through grants. The regulations also provide for per diem payments, or in-kind assistance in lieu of per diem payments, to entities that are receiving grants or to entities eligible to receive a grant that established supportive services or a supportive housing program for homeless veterans after November 10, 1992.

Some homeless veterans service providers have informed us they understood the regulations allowed only grant recipients to apply for per diem assistance. However, neither the Act nor the regulations limit per diem assistance to grant recipients. Nevertheless, the Act does limit per diem assistance to entities that meet basic criteria applicable to grant recipients. "Eligible entity" under the Act means a public or nonprofit private entity that: Has the capacity to effectively administer a grant under the Act; demonstrates that adequate financial support will be available to carry out the project for which the grant is sought; and agrees to meet the applicable criteria and requirements of the grant program. Grant program criteria and requirements applicable to the receipt of per diem include: Targeting the homeless veteran population; coordinating with the community; providing the needed services; and establishing a project plan that details the goals that will be used in evaluating participants' progress as well as program successes with increasing veterans' residential stability, skill and/or income level, and self determination. It is proposed to subject per diem applicants to these criteria. It appears this would ensure that the entities awarded per diem assistance

would have the necessary standards of quality required to comply with the Act. Further, it is proposed that per diem applicants be required to score a minimum of 500 points on the per diem portions of the Grant/Per Diem application. This minimum eligibility score is proportional to the minimum 600 points required for grant eligibility. The remaining criteria and requirements of the grant program pertain to construction, property acquisition, leveraging resources, vehicle acquisition, etc., which are not applicable to per diem.

Additionally, the rule would clarify that non-grant recipients' programs that are not scored under per diem criteria, and grant recipients' programs that are not established as a result of grant funding, would not receive per diem payments.

It is also proposed to establish a priority for funding and criteria for ranking per diem applicants. Under the proposal, per diem assistance would first be awarded to supportive housing or supportive service center grant recipients that request per diem and that receive a sufficient ranking based on a cumulative score on portions of the Grant/Per Diem application pertaining to per diem assistance. It is proposed that if funding is still available, a Notice of Funding Availability (NOFA) would be published in the Federal Register and applications would be accepted from non-grant recipients. Also, the proposal provides that per diem would be awarded to those non-grant recipients who are deemed eligible entities and who receive a sufficient ranking based on the application. It appears that this method of prioritizing would help ensure success of the entities receiving grant funds for supportive housing and supportive service centers while still providing for consideration of non-grant recipients. In evaluating grant recipients and non-grant recipients, scores would be ranked from highest to lowest and funds would be allocated on the basis of rank from highest to lowest until funds are expended. Under this proposal those non-grant recipient entities that have already submitted a request for recognition of eligibility, prior to the issuance of this amendment, would need not submit a second request but would be expected to follow the proposed requirements for application. Those grant recipients that have received a grant prior to this amendment and have not received per diem payments, would be asked to submit a request for recognition of eligibility to initiate scoring of the per

diem relevant portions of their grant application.

It is also proposed to clarify the requirements for continued receipt of per diem payments. To help ensure the quality of per diem recipients' programs, VA would require recipients to maintain their programs so that they would score the minimum number of points required on per diem relevant sections of the Grant/Per Diem application. Under the proposal, VA would ensure compliance by conducting inspections and would provide an opportunity to challenge a VA decision to terminate per diem payments for a recipient's failure to comply with requirements prior to the actual termination of payments.

The legislative history of the Act indicates that it was Congress' intent that per diem rates for the Homeless Providers Grant and Per Diem Program not be more generous than per diem rates under the State Home Program to avoid creating an incentive for states to participate in the Homeless Providers Grant and Per Diem Program instead of expanding and/or continuing participation in the State Home Program. Further, the Act limits per diem payments to one half the recipients' cost of providing services supported by such payments. Therefore, to better reflect the intent of Congress, it is proposed to clarify in the rule that the maximum per diem rate for supportive housing under the Homeless Providers Grant and Per Diem Program will be the prevailing State Home per diem rate for domiciliary care or one-half the cost of providing this service, whichever is less. Additionally, it is proposed to revise the rule so it is clear that this "maximum" amount is in fact a fixed rate and VA will not pay less than this rate unless prevented from doing so by budget constraints.

Non-substantive changes also are proposed for purposes of organization and clarity.

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act (44 U.S.C. 3504(h)). Comments on the collection of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Director, Office of Regulations Management (02D), Department of Veterans Affairs,

810 Vermont Avenue, NW, Washington, DC 20420.

This collection of information included in 38 CFR 17.710 through 17.714 and §§ 17.717 through 17.719 concerns an application for public or nonprofit private entities to establish new programs to furnish supportive services and supportive housing for homeless veterans through grants of up to 65 percent of the cost to construct, expand, remodel or alter existing buildings; to acquire facilities; or to procure vans to provide transportation for and support outreach to homeless veterans and to provide per diem payments for those veterans determined eligible for such payments by the Department of Veterans Affairs. Provisions concerning per diem are explained above in this preamble. Provisions concerning grants are already set forth in 38 CFR and are restated in the regulatory text portion of this document.

The Department considers comments by the public on these proposed collections of information in—

- Evaluating whether the proposed collection(s) of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and;
- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the proposed collections of information contained in this document between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulations.

Title: Application for VA homeless providers grant and per diem program.

Summary of collection of information: The Department requires the applicant for grants and/or per diem to submit information that assists in the

determination of funds to be awarded. The requested information addresses the ability of the organization to effectively administer a program and requires the organization to demonstrate the quality of the project, how the homeless veteran will be targeted, the need for the proposed program, the coordination with other agencies, and the project's cost effectiveness.

Description of the need for information and proposed use of information: The Department is required to assess organizations' projects and fund those that most appropriately meet the needs of homeless veterans as determined by the rules of the program. This collection of information will be used to rank various projects and award those most likely to meet intent of the statute.

Description of likely respondents: public or non-profit private entities providing supportive services and supportive housing for homeless veterans.

Estimated total annual reporting burden for grants: 5,000 hours.

Estimated total annual reporting burden for per diem: 2,500 hours.

The estimated annual burden per respondent for grants: 50 hours.

The estimated annual burden per respondent for per diem: 50 hours.

Estimate number of respondents for grants: 100.

Estimate number of respondents for per diem: 50.

Estimate annual frequency of responses for grants: 1

Estimate annual frequency of responses for per diem: 1

Regulatory Flexibility Act

The Secretary hereby certifies that the provisions of the proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-602. In all likelihood, only similar entities that are small entities would participate in the Homeless Providers Grant and Per Diem Program, therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analysis requirement of sections 603 and 604.

The Catalog of Federal Domestic Assistance program number is 64.024.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health

records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and record-keeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: June 26, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 17 is proposed to be amended as set forth below:

PART 17—MEDICAL

1. The authority citation for part 17 is revised to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

§ 17.700 [Amended]

2. In § 17.700, paragraph (a) is amended by removing "17.715(a)" and adding, in its place, "17.716".

3. Sections 17.710 through 17.719 are revised to read as follows:

§ 17.710 Application requirements.

(a) *General.* Applications for grants must be submitted in the form prescribed by VA in the application package, must meet the requirements of this part, and must be submitted within the time period established by VA in the notice of fund availability under § 17.708 of this part. The application packet includes exhibits to be prepared and submitted as part of the application process, including:

(1) Justification for the project by addressing items listed in § 17.711(c) of this part;

(2) Site description, design, and cost estimates;

(3) Documentation on eligibility to receive assistance under this part;

(4) Documentation on matching funds committed to the projects;

(5) Documentation on operating budget and cost sharing;

(6) Documentation on supportive services committed to the project;

(7) Documentation on site control and appropriate zoning, and on the boundaries of the area or community proposed to be served;

(8) Applicants who are States must submit any comments or recommendations by appropriate State (and area wide) clearinghouses pursuant to E.O. 12372 (3 CFR, 1982 Comp., p. 197); and

(9) Reasonable assurances with respect to receipt of assistance under this part that:

(i) The project will be used principally to furnish to veterans the level of care for which such application

is made; that not more than 25 percent of participants at any one time will be non-veterans; and that such services will meet standards prescribed by VA;

(ii) Title to such site or van will vest solely in the applicant;

(iii) Each recipient will keep those records and submit those reports as VA may reasonably require, within the time frames required; and give VA, upon demand, access to the records upon which such information is based; and

(iv) Adequate financial support will be available for the purchase of the van or completion of the project, and for its maintenance, repair and operation.

(b) *Pre-award expenditures.* Costs incurred for a project after the date the Department of Veterans Affairs notifies an applicant that the project is feasible for VA participation are allowable costs if the application is approved and the grant is awarded. These pre-award expenditures include architectural and engineering fees. Such notification occurs when VA requests information for the second submission portion of the application.

§ 17.711 Rating criteria for applications.

(a) *General.* Applications will be assigned a rating score and placed in ranked order, based upon the criteria listed in paragraphs (b) through (d) of this section.

(b) *Threshold review.* Applicants will undergo a threshold review prior to rating and ranking, to ensure they meet the following:

(1) *Form, time, and adequacy.*

Applications must be filed in the form prescribed by VA in the application process and within the time established in the NOFA.

(2) *Application eligibility.* The applicant and project sponsor, if relevant, must be eligible to apply for the specific program.

(3) *Eligible population to be served.* The population proposed to be served must be homeless veterans and meet other eligibility requirements of the specific program.

(4) *Eligible activities.* The activities for which assistance is requested must be eligible for funding under this part (e.g., new programs or new components of existing programs).

(5) *Outstanding audit findings.* No organization that receives assistance may have an outstanding obligation to VA that is in arrears or for which a payment schedule has not been agreed to, or whose response to an audit is overdue or unsatisfactory.

(c) *Rating and ranking of first submission.* Applicants that pass the threshold review will then be rated using the eight selection criteria listed

in paragraph (c)(1) through (c)(8) of this section. Applicants must receive at least 600 points (out of a possible 1,200) and must receive points under criteria 1, 2, 3, 4, and 8. Applicants that are applying as an innovative supportive housing project must achieve points under the innovative quality of the proposal criterion.

- (1) Quality of the project—300 points.
- (2) Targeting to persons on streets and in shelters—150 points.
- (3) Ability of the applicant to develop and operate a project—200 points.
- (4) Need for the type of project proposed in the area to be served—150 points.
- (5) Innovative quality of the proposal—50 points.
- (6) Leveraging—50 points.
- (7) Cost effectiveness—100 points.
- (8) Coordination with other programs—200 points.

(d) *Selection criteria*—(1) *Quality of the project*. VA will award up to 300 points based on the extent to which the application presents a clear, well-conceived and thorough plan for assisting homeless veterans achieve residential stability, increased skills and/or income, and more influence over decisions that affect their lives. Higher ratings will be assigned to those applications that clearly describe:

- (i) How program participants will achieve residential stability, including how available supportive services will help participants reach this goal;
- (ii) How program participants will increase their skill level and/or income, including how available supportive services will help participants reach this goal;
- (iii) How program participants will be involved in making project decisions that affect their lives, including how they will be involved in selecting supportive services, establishing individual goals and developing plans to achieve these goals so that they achieve greater self determination;
- (iv) How permanent affordable housing will be identified and made available to participants upon leaving the transitional housing, and how participants will be provided necessary follow-up services to help them achieve stability in the permanent housing;
- (v) How the service needs of participants will be assessed on an ongoing basis;
- (vi) How the proposed housing, if any, will be managed and operated;
- (vii) How participants will be assisted in assimilating into the community through access to neighborhood facilities, activities and services;
- (viii) How and when the progress of participants toward meeting their

individuals goals will be monitored and evaluated;

(ix) How and when the effectiveness of the overall project in achieving its goals will be evaluated and how program modifications will be made based on those evaluations; and

(x) How the proposed project will be implemented in a timely fashion.

(2) *Targeting to persons on streets and in shelters*. VA will award up to 150 points based on:

(i) The extent to which the project will serve homeless veterans living in places not ordinarily meant for human habitation (e.g., streets, parks, abandoned buildings, automobiles, under bridges, in transportation facilities) and those who reside in emergency shelters; and

(ii) The likelihood that proposed plans for outreach and selection of participants will result in these populations being served.

(3) *Ability of applicant to develop and operate a project*. VA will award up to 200 points based on the extent to which those who will be involved in carrying out the project have experience in activities similar to those proposed in the application. Rating will be assigned based on the extent to which the application demonstrates experience in the following areas:

- (i) Engaging the participation of homeless veterans living in places not ordinarily meant for human habitation and in emergency shelters;
- (ii) Assessing the housing and relevant supportive service needs of homeless veterans;
- (iii) Accessing housing and relevant supportive service resources;
- (iv) If applicable, contracting for and/or overseeing the rehabilitation or construction of housing;
- (v) If applicable, administering a rental assistance program;
- (vi) Providing supportive services for homeless veterans;
- (vii) Monitoring and evaluating the progress of persons toward meeting their individual goals; and
- (viii) Evaluating the overall effectiveness of a program and using evaluation results to make program improvements.

(4) *Need*. VA will award up to 150 points based on the applicant's demonstrated understanding of the needs of the specific homeless veteran population proposed to be served in the specified area or community. Ratings will be made based on the extent to which applicants demonstrate:

- (i) Substantial unmet needs, particularly among the target population who are living in places not ordinarily meant for human habitation (e.g.,

streets) and in emergency shelters, based on reliable data from surveys of homeless populations, a Comprehensive Housing Affordability Strategy (CHAS), or other reports or data gathering mechanisms that directly support claims made;

(ii) An understanding of the homeless population to be served and its unmet housing and supportive service needs.

(5) *Innovative quality of the proposal*. Applicants who have indicated in their application that they are applying under the innovative supportive housing component must receive points under this criteria to be eligible for award. VA will award up to 50 points based on the innovative quality of the proposal, when compared to other applications and projects; in terms of:

- (i) Helping homeless veterans or homeless veterans with disabilities to be served to reach residential stability, increase their skill level and/or income and increase the influence they have over decisions that affect their lives; and
- (ii) A clear link between the innovation(s) and its proposed effect(s); and

(iii) Its ability to be used as a model for other projects.

(6) *Leveraging*. VA will award up to 50 points based on the extent to which resources from other public and private sources, including cash and the value of third party contributions, have been committed to support the project at the time of application. Any applicant who wishes to receive points under this criterion must submit documentation of leveraged resources which meets the requirements stated in the application. This is optional; applicants who cannot, or choose not to, provide firm documentation of resources as part of the application will forego any points for leveraging.

(7) *Cost effectiveness*. VA will award up to 100 points for cost effectiveness. Projects will be rated based on the cost and number of new supportive housing beds made available or the cost, amount and types of supportive services made available, when compared to other transitional housing and supportive services projects, and when adjusted for high cost areas. Cost effectiveness may include using excess government properties (local, State, Federal), as well as demonstrating site control at the time of application.

(8) *Coordination with other programs*. VA will award up to 200 points based on the extent to which applicants demonstrate that they have coordinated with Federal, State, local, private and other entities serving homeless persons in the planning and operation of the project. Such entities may include

shelter, transitional housing, health care, or social service providers; providers funded through Federal initiatives; local planning coalitions or provider associations; or other programs relevant to the local community.

Applicants are required to demonstrate that they have coordinated with the VA medical care facility of jurisdiction and VA Regional Offices of jurisdiction in their area. Higher points will be given to those applicants that can demonstrate that:

(i) They are part of an ongoing community-wide planning process which is designed to share information on available resources and reduce duplication among programs that serve homeless veterans;

(ii) They have consulted directly with other providers regarding coordination of services for project participants. VA will award up to 50 points of the 200 points for this criterion based on the extent to which commitments to provide supportive services are available at the time of application. Applicants who wish to receive points under this optional criterion must submit documentation of supportive service resources.

§ 17.712 Selecting applications.

(a) *General.* The highest-ranked applications will be conditionally selected in accordance with their ranked order, as determined under § 17.711 of this part. Each will be requested, as necessary, to provide additional project information, as described in § 17.713 of this part, as a prerequisite to a grant from VA.

(b) *Ties between applicants.* In the event of a tie between applicants, VA will use the selection criterion in § 17.711(d)(4) of this part, need for the type of project proposed in the area to be served, to determine which application should be selected for potential funding.

(c) *Procedural error.* If an application would have been selected but for a procedural error committed by VA, VA will select that application for potential funding when sufficient funds become available if there is no material change in the information that resulted in its selection. A new application will not be required for this purpose.

§ 17.713 Obtaining additional information and awarding grants.

(a) *Additional information.* Applicants who have been conditionally selected will be requested by VA to submit additional project information, as described in the second submission of the application, which may include:

(1) Documentation to show that the project is feasible.

(2) Documentation showing the sources of funding for the project and firm financing commitments for the march described in § 17.706.

(3) Documentation showing site control, as described in § 17.731.

(4) Information necessary for VA to ensure compliance with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*), as described in § 17.714.

(5) A site survey performed by a licensed land surveyor. A description of the site shall be submitted noting the general characteristics of the site. This should include soil reports and specifications, easements, main roadway approaches, surrounding land uses, availability of electricity, water and sewer lines, and orientation. The description should also include a map locating the existing and/or new buildings, major roads, and public services in the geographic area. Additional site plans should show all site work including property lines, existing and new topography, building locations, utility data, and proposed grades, roads, parking areas, walks, landscaping, and site amenities.

(6) Design development (35 percent) drawings.

(i) The applicant shall provide to VA one set of sepias and two sets of prints, rolled individually per set, to expedite the review process. The drawing shall indicate the designation of all spaces, size of the areas and rooms and indicate in outline the fixed and moveable equipment and furniture. The drawings shall be drawn at 1/8" or 1/4" scale. Bedroom and toilet layouts, showing clearances and Uniform Federal Accessibility Standards requirements, should be shown at 1/4" scale. The total floor and room areas shall be shown in the drawings. The drawings shall include:

(A) A plan of any proposed demolition work;

(B) A plan of each floor. For renovation, the existing conditions and extent of new work should be clearly delineated;

(C) Elevations;

(D) Sections and typical details;

(E) Roof plan;

(F) Fire protection plans; and

(G) Technical engineering plans, including structural, mechanical, plumbing, and electrical drawings.

(ii) If the project involves acquisition, remodeling, or renovation, the applicant should include the current as-built site plan, floor plans and building sections which show the present status of the building and a description of the

building's current use and type of construction.

(7) Design development outline specifications. The applicant shall provide eight copies of outline specifications which shall include a general description of the project, site, architectural, structural, electrical and mechanical systems such as elevators, air conditioning, heating, plumbing, lighting, power, and interior finishes (floor coverings, acoustical material, and wall and ceiling finishes).

(8) Design development cost estimates. The applicant shall provide three copies of cost estimates showing the estimated cost of the buildings or structures to be acquired or constructed in the project. Cost estimates should list the cost of construction, contract contingency, fixed equipment not included in the contract, movable equipment, architect's fees and construction supervision and inspection.

(9) A design development conference. After VA reviews design development documents, a design development conference may be recommended in order to provide applicants and their architects an opportunity to learn VA procedures and requirements for the project and to discuss VA review comments.

(10) Such other documentation as specified by VA in writing to the applicant, that confirms or clarifies information provided in the application.

(b) *Receipt of additional information.* The required additional information must be received in acceptable form within the time frame established by VA in a notice of fund availability published in the Federal Register. VA reserves the right to remove any proposed project from further consideration for grant assistance if the required additional project information is not received in acceptable form by the established deadline.

(c) *Grand award.* Following receipt of the additional information in acceptable form (and, where applicable, provided that the environmental review described in § 17.714 indicates that the proposed project is environmentally acceptable to VA), to the extent funds are available VA will approve the application and send a grant agreement for execution to the applicant.

§ 17.714 Environmental review requirements.

(a) *Generally.* Project selection is subject to completion of an environmental review of the proposed site, and the project may be modified or the site rejected as a result of that review. The environmental effects must

be assessed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) (NEPA) as implemented pursuant to the Council on Environmental Quality's applicable regulations (40 CFR parts 1500–1508) and VA's applicable implementing regulations (38 CFR part 26).

(b) *Responsibility for review.* (1) VA will perform the environmental review, in accordance with part 26 of this title, for conditionally selected applications received directly from private nonprofit organizations and governmental entities with special or limited purpose powers. VA is not permitted to approve such applications prior to its completion of this review. Because of time constraints, any application subject to environmental review by VA that requires an Environmental Impact Statement (EIS) (generally, an application that VA determines would result in a major Federal action significantly affecting the quality of the human environment in accordance with the environmental assessment procedures (at 38 CFR part 26) will not be eligible for assistance under this part.

(2) Applicants that are States, metropolitan cities, urban counties, Indian tribes, or other governmental entities with general purpose powers shall include environmental documentation for the project by submitting information establishing a Categorical Exclusion (CE), a proposed Environmental Assessment (EA), or a proposed Environmental Impact Statement (EIS). The environmental documentation will require approval by VA before final award of a construction or acquisition grant under this part. (See 38 CFR 26.6 for compliance requirements.) If the proposed actions involving construction or acquisition do not individually or cumulatively have a significant effect on the human environment, the applicant shall submit a letter noting a CE. If construction outside the walls of an existing structure will involve more than 75,000 gross square feet (GSF), the application shall include an EA to determine if an EIS is necessary for compliance with section 102(2)(c) of the National Environmental Policy Act 1969. When the application submission requires an EA, the State shall briefly describe the possible beneficial and/or harmful effect which the project may have on the following impact categories:

- (i) Transportation;
- (ii) Air quality;
- (iii) Noise;
- (iv) Solid waste;
- (v) Utilities;

- (vi) Geology (soils/hydrology/flood plains);
- (vii) Water quality;
- (viii) Land use;
- (ix) Vegetation, wildlife, aquatic, and ecology/wetlands;
- (x) Economic activities;
- (xi) Cultural resources;
- (xii) Aesthetics;
- (xiii) Residential population;
- (xiv) Community services and facilities;
- (xv) Community plans and projects; and
- (xvi) Other.

(3) If an adverse environmental impact is anticipated, the action to be taken to minimize the impact should be explained in the EA. An entity covered by this section that believes that it does not have the legal capacity to carry out the responsibilities required by 38 CFR part 26 should contact the VA Homeless Providers Grant and Per Diem Program, Mental Health and Behavioral Sciences Service (111C), U.S. Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, for further instructions. Determinations of legal capacity will be made on a case-by-case basis.

§ 17.715 Aid for supportive services and supportive housing.

(a) *Per diem payments.* Aid in the form of per diem payments may be paid to an entity meeting the requirements of the regulations of this part under the heading "VA Homeless Providers Grant and Per Diem Program," including the specific criteria of § 17.716, if:

(1) VA referred the homeless veteran to a recipient of a grant under this part (or entity eligible for such a grant as described in § 17.716); or

(2) VA authorized the provision of supportive services or supportive housing for the homeless veteran.

(b) *In-kind assistance.* In lieu of per diem payments under this section, VA may, with approval of the grant recipient (or entity eligible for such a grant as described in § 17.716), provide in-kind assistance through the services of VA employees and the use of other VA resources, to a grant recipient (or entity eligible for such a grant as described in § 17.716).

(c) *Selection of per diem applicants.* In awarding per diem assistance, applications from grant recipients and non-grant recipients will be reviewed and ranked separately. Funds will first be awarded to grant recipients who request such assistance. If funds are still available for non-grant recipients, VA will announce funding through a Notice of Funding Availability (NOFA) process as described in § 17.708. VA will not

award any per diem payments when doing so would decrease funding to those entities already receiving such payments. For both grant recipients and non-grant recipients, eligibility will be determined by the criteria described in § 17.716, and applications will be ranked according to scores achieved on the portions of the application described in § 17.716(b)(4). Applicants must score a minimum of 500 points on these portions to be eligible for per diem. Those applicants that meet the eligibility criteria will be conditionally selected for per diem assistance. Funds will be allocated to the highest ranked conditionally selected applicants in descending order until funds are expended. Payments will be contingent upon meeting the requirements of a site inspection conducted by VA pursuant to § 17.721.

(d) *Continued receipt of per diem assistance.* (1) Continued receipt of per diem assistance for both grant recipients and non-grant recipients will be contingent upon maintaining the program for which per diem is provided so that it would score at least the required minimum 500 points as described in § 17.716(b)(4) on the application. VA will ensure compliance by conducting inspections as described in § 17.721.

(2) Where the recipient fails to comply with paragraph (d)(1) of this section, VA will issue a notice of the Department's intent to discontinue per diem payments. The recipient will then have 30 days to submit documentation demonstrating why payments should not be terminated. After review of any such documentation, VA will issue a final decision on termination of per diem payment.

(3) Continued payment is subject to availability of funds. When necessary due to funding limitations, VA will, in proportion to the decrease in funding available, decrease the per diem payment for each authorized veteran.

(Authority: 38 U.S.C. 501, 7721, note)

§ 17.716 Eligibility to receive per diem payments.

An entity must be formally recognized by VA as eligible to receive per diem payments under this section before per diem payments can be made for the care of homeless veterans, except that per diem payments may be made on behalf of a veteran up to three days prior to this recognition.

(a) A grant recipient will be eligible if it receives the minimum score as described in paragraph (b)(4) of this section.

(b) A non-grant recipient will be eligible if it is an entity eligible to

receive a grant, which for the purposes of this section means:

(1) At least 75 percent of persons who are receiving supportive services or supportive housing from the entity are veterans who may be included in computation of the amount of aid payable from the Department of Veterans Affairs;

(2) The supportive services or supportive housing program for which per diem payments is requested was established after November 10, 1992;

(3) The entity is a public or nonprofit private entity; and

(4) The entity scores at least 500 cumulative points on the following sections of the Grant/Per Diem application: Quality (1); Targeting (2); Ability (3); Description of Need (4); and Coordination with Other Programs (8). These sections correspond to the selection criteria of § 17.711(c).

(c) For grant recipients, only those programs that provide supportive services or supportive housing (or the portions thereof) created with grant funds will be considered for per diem assistance. For non-grant recipients, only those portions of the supportive services or supportive housing described in the application will be considered for per diem assistance.

(Authority: 38 U.S.C. 501, 7721, note)

§ 17.717 Request for recognition of eligibility.

(a) Requests for recognition of eligibility may be addressed to the VA Homeless Providers Grant and Per Diem Programs; Mental Health and Behavioral Sciences Service (111C), U.S. Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

(b) For non-grant recipients, the receipt of application for per diem will constitute the request for recognition of eligibility. Grant recipients seeking per diem assistance will indicate this request on the application. Grant recipients are not required to complete a separate application for per diem assistance. VA will review those portions of the grant application that pertain to per diem. Those entities already receiving a grant must submit a request for recognition to initiate the scoring of their application for per diem payments.

(Authority: 38 U.S.C. 501, 7721, note)

§ 17.718 Approval of annexes and new facilities.

Separate applications for recognition must be filed for any annex, branch, enlargement, expansion, or relocation of the site of service provision of an eligible entity's facility which is not on

the same or contiguous grounds on which the parent facility is located. When an eligible entity establishes sites which have not been inspected and approved by VA, a request for separate approval of such sites must be made. The prohibitions in § 17.720 are also applicable to applications for aid on behalf of any veterans cared for in a new annex, branch or enlarged, expanded or relocated facility.

§ 17.719 Amount of aid payable.

The per diem amount payable for supportive housing is the current VA State Home Program per diem rate for domiciliary care as set forth in 38 U.S.C. 1741. The per diem amount payable for supportive services, not provided in conjunction with supportive housing, is \$1.10 for each half-hour during which supportive services are provided up to \$17.60 per day. These rates will be paid provided, however, the per diem amount for supportive housing or supportive services (not provided in conjunction with supportive housing) do not exceed one-half of the cost to the per diem recipient of providing the services. Also, provided further, per diem payment for supportive housing and supportive services may be lessened because of budget restrictions as described in § 17.715(d)(3). Per diem payments may not be paid for a veteran for both supportive housing and supportive services (not in conjunction with supportive housing).

(Authority: 38 U.S.C. 501, 7721, note)

§ 17.720 [Amended]

4. In § 17.720, paragraphs (a) introductory text, (a)(1), and (a)(2) are amended by removing "17.715(a)" and adding, in their place, "17.716".

[FR Doc. 96-17836 Filed 7-15-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA52-2-7155; FRL-5538-6]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule; extension of the comment period.

SUMMARY: EPA is reopening the comment period for a proposed rule published on April 9, 1996 (61 FR

15744). In the April 9, 1996 proposed rule, EPA proposed to approve reasonably available control technology (RACT) requirements for 21 Pennsylvania sources of volatile organic compounds (VOC's) or nitrogen oxides (NO_x). At the request of the Pennsylvania Power Company, EPA is reopening the comment period through August 2, 1996 only as it pertains to the RACT determinations for the Pennsylvania Power-New Castle plant and International Paper-Hammermill Division. (The comment period had been previously extended through June 28, 1996 (61 FR 29508).) All comments received on or before August 2, 1996, including those received between the close of the comment period on June 28, 1996 and the publication of this document, will be entered into the public record and considered by EPA before taking final action on the proposed rule.

DATES: Comments are now due on or before August 2, 1996.

ADDRESSES: Comments may be mailed to Kathleen Henry, Acting Chief, Ozone and Mobile sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT:

Cynthia H. Stahl at the EPA Region III address listed above, (215) 566-2180, or via e-mail at stahl.cynthia@epamail.epa.gov pertaining to the reopening for the comment period for the Pennsylvania Power-New Castle and International Paper-Hammermill RACT determinations.

Dated: July 3, 1996.

W.T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. 96-18039 Filed 7-15-96; 8:45 am]

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