

For the Director of Civil Works:

John P. Elmore, P.E.

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

Regulatory Guidance Letter, RGL 94-2

Date: 17 August 1994, Expires: 31 Dec 1999
CECW-OR

Subject: Superfund Projects

1. Regulatory Guidance Letter (RGL) 85-07, subject: "Superfund Projects" is hereby reissued (copy enclosed).

2. This RGL was previously extended by RGL 89-2. Although the extension expired, RGL 85-07 has continued to be U.S. Army Corps of Engineers policy.

3. This guidance expires 31 December 1999 unless sooner revised or rescinded.

For the Director of Civil Works:

John P. Elmore, P.E.,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

Encl

RGL 85-7, Dated 5 July 1985, Expires 31 Dec 1987

Subject: Superfund Projects

1. Recently, the Chief Counsel, Mr. Lester Edelman, responded to a letter from Mr. William N. Hedeman, Jr., Director, Office of Emergency and Remedial Response, Environmental Protection Agency (EPA) which dealt with the need for Department of Army authorizations for the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) actions. This letter summarizes Mr. Edelman's opinion and provides operating guidance for field interaction with the EPA.

2. EPA's basic position is that Congress did not intend for CERCLA response actions to be subject to other environmental laws. Rather, as a matter of sound practice, CERCLA response actions generally should meet the standards established by those laws. Consequently, it is the EPA's position that neither it nor the states, in pursuing response actions at the location of the release or threatened release under the authority of CERCLA, are required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act for those actions.

3. Mr. Edelman stated in part that he has some reservations about the position that the EPA has taken. Nevertheless, he recognizes that the EPA has the primary authority for the interpretation and application of CERCLA, and therefore would defer to the EPA's reading of its own statutory authorities, at least for the time being.

4. In light of this legal opinion, FOAs should not require applications for the EPA or state response actions at the location of the release or threatened release pursued under the authority of CERCLA. Any permit applications in process should be terminated.

5. Both the EPA and OCE believe that the FOAs' expertise in assessing the public interest factors for dredging and filling operations can contribute to the overall quality of the CERCLA response action. The Director of Civil Works will be establishing

a group from his staff to work with the EPA staff to develop a framework for integrating the Corps Sections 10, Section 404 and, if appropriate, Section 103 concerns into the EPA's substantive Superfund reviews.

6. Until specific guidance is provided from OCE, FOAs should provide technical support to the EPA regions and/or the states on matters within their field of expertise.

For the Chief of Engineers:

C.E. Edgar III

[FR Doc. 95-6253 Filed 3-13-95; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF EDUCATION

Indian Education National Advisory Council; Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of hearing.

SUMMARY: The National Advisory Council on Indian Education invites the public to attend a one-day hearing conducted by the Council. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: Sunday, March 19, 1995 from 9:00 p.m. to 3:00 p.m.

ADDRESSES: The hearing will be held at the Quality Hotel Capitol Hill in the Sky Suite, 415 New Jersey Avenue N.W., Washington, DC 20001, (202) 638-1616, Fax (202) 638-0707.

FOR FURTHER INFORMATION CONTACT: John W. Cheek, Acting Director, National Advisory Council on Indian Education, 330 C Street, S.W., Room 4072, Switzer Building, Washington, DC 20202-7556. Telephone: 202/205-8353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (Part C, Title V, Pub. L. 100-297) and to advise Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit.

The National Advisory Council on Indian Education is scheduling a one-day hearing on Sunday, March 19, 1995, prior to the National American Indian and Alaska Native Education Summit being planned for March 20-22, 1995. The hearing will allow participants the opportunity to present written and/or oral testimony on any of the topic areas

being addressed by the national summit or any other area of concern related to Indian education. The five key issues areas to be addressed during the summit include: Tribal Sovereignty/Trust Responsibility; Education Policy Development; the Impact of Goals 2000, A Tribal Perspective; Native Language and Culture; and the Federal Budget. Any submitted testimony and address one of the previously mentioned topic areas and follow this format: Statement of the problem; statement of desired remedy or solution; argument on behalf of desired remedy; and identification of who needs to do what and who oversees its follow through. Other testimony from topic areas not specifically addressed by the summit are also welcome. Findings from the hearing will be incorporated into the overall summit agenda. Participants wishing to present written and/or oral testimony are requested to submit any documentation to the staff of the National Advisory Council on Indian Education prior to the hearing if possible and no later than 5:00 p.m. on the day of the hearing. Testimony may also be faxed to the NACIE office at (202) 205-9446 any time prior to the hearing date. Oral testimony will be scheduled according to topic areas and announced the morning of the hearing or from the NACIE office the week prior to the summit.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Indian Education located at 330 C Street S.W., Room 4072, Washington, DC 20202-7556 from the hours of 9:00 a.m. to 4:30 p.m. Monday through Friday.

Dated: March 8, 1995.

John W. Cheek,

Acting Director, National Advisory Council on Indian Education.

[FR Doc. 95-6278 Filed 3-13-95; 8:45 am]

BILLING CODE 4000-01-M

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the inaugural meeting of the National Educational Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.