

and the January-June average from 1976 through 1986 (a 1.53 percent increase over January-June costs in Alaska and 1.82 percent increase in Hawaii).

For the period January through June 1996, the average cost of the TFP was \$491.50 in Alaska, and \$625.20 in Hawaii. The proxy in Alaska for actual June 1996 TFP costs was \$499.02. This proxy is multiplied by three separate adjustment factors to create three TFPs for Urban Alaska, Rural I Alaska, and Rural II Alaska. The proxy in Hawaii was \$636.57. The June 1996 cost of the TFP was \$590.40 in Guam and \$515.00 in the Virgin Islands.

The TFP is also the basis for establishing food stamp allotments. "Allotment" is defined in Section 3(a) of the Act as "the total value of coupons a household is authorized to receive during each month." Food stamp allotments are adjusted periodically to reflect the changes in food cost levels indicated in the changing amounts of the TFP. Prior to the amendment of Section (3)(o) of the Act by Section 804 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. Law 104-193, on August 22, 1996, allotment amounts were established on

each October 1 at 103 percent of the cost of the TFP in the previous June. Amended Section 3(o)(4) of the Act now provides that the TFP will be adjusted each October 1 to reflect the exact cost, or 100 percent, of the TFP for the previous June. This provision was implemented by the Department as a requirement of the Food Stamp Program on October 1, 1996, without prior notice and comment due to the binding, non-discretionary nature of the statutory provision. In accordance with 5 U.S.C. 553(b)(3)(B), the Department has determined that good cause existed to justify such implementation. In a subsequent rulemaking, the Department will issue a corresponding regulatory change to 7 CFR 273.10(e)(4)(ii).

The maximum food stamp allotment is paid to households that have no net income. For households with some type of income, their allotments are determined by reducing the maximum allotment for their household size by 30 percent of the household's net income in accordance with Section 8(a) of the Act, 7 U.S.C. 2017(a). To obtain the maximum food stamp allotment for each household size, the TFP costs are

divided by four, multiplied by the appropriate household size and economy of scale factor, and the final result rounded down to the nearest dollar.

Section 804 of Pub. L. 104-193 also amended Section 3(o) of the Act to prohibit reducing food stamp allotments for Fiscal Year (FY) 1997 below those in effect on September 30, 1996. In FY 1996, Alaska (Urban, Rural I and II) and Hawaii maximum food stamp allotments for a four person household were \$510, \$650, \$791, and \$663, respectively. Based on the formula discussed above, FY 1997 allotments would have fallen below FY 1996 levels to \$502, \$641, \$780, and \$636, respectively. Consequently, in accordance with the law, the food stamp allotments for Alaska and Hawaii published in this notice will remain the same as last year's.

Pursuant to Section 3(o)(3) of the Act, maximum food stamp benefits for Guam and the Virgin Islands cannot exceed those in the 50 States and the District of Columbia, so they are based upon the lower of their respective TFPs or the TFP for rural II Alaska.

MAXIMUM ALLOTMENT AMOUNTS ¹.—OCTOBER 1996, AS ADJUSTED

Household size	Urban Alaska ²	Rural I Alaska ²	Rural II Alaska ²	Hawaii ²	Guam ³	Virgin Islands ³
1	\$153	\$195	\$237	\$198	\$177	\$154
2	280	357	435	364	324	283
3	401	512	623	522	464	405
4	510	650	791	663	590	515
5	605	772	939	787	701	611
6	726	926	1127	945	841	733
7	803	1024	1246	1044	929	811
8	918	1170	1424	1193	1062	927
Each additional member	+115	+146	+178	+149	+133	+116

¹ Adjusted to reflect the cost of food in June, adjustments for each household size, economies of scale, and 1.00 percent of the TFP and rounding.

² Held at FY 1996 levels as a result of the Personal Responsibility and Work Opportunity Act of 1996.

³ Adjusted to reflect changes in the cost of food in the 48 States and the District of Columbia, which correlate with price changes in these areas. Maximum allotments in these areas cannot exceed those in Rural II Alaska.

Maximum allotments for the 48 States and the District of Columbia are published in a separate notice in the **Federal Register**. Adjustments covered by this notice are announced for Alaska, Hawaii, Guam, and the Virgin Islands only, reflecting revisions required by changes in the cost of food and Pub. Law 104-193.

(7 U.S.C. 2011-2034)

Dated: April 4, 1997.

William E. Ludwig,

Administrator.

[FR Doc. 97-9858 Filed 4-15-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Food and Consumer Service

RIN 0584-AC53

Food Stamp Program: Maximum Allotments for the 48 States and the District of Columbia, and Income Eligibility Standards and Deductions for the 48 States and the District of Columbia, Alaska, Hawaii, Guam and the Virgin Islands

AGENCY: Food and Consumer Service, USDA.

ACTION: General notice.

SUMMARY: The purpose of this notice is to update for Fiscal Year 1997: the maximum allotment levels, which are the basis for determining the amount of food stamps which participating households receive, the gross and net income limits for food stamp eligibility, the standard deduction available to certain households, and the homeless household shelter allowance. These adjustments, required by law, take into account changes in the cost of living and statutory adjustments since the amounts were last calculated.

DATES: The effective date of this notice regarding the adjustment of the maximum allotments was October 1,

1996. The effective date of this notice regarding deductions from income was January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Margaret Werts Batko, Assistant Chief, Certification Policy Branch, Program Development Division, Food Stamp Program, Food and Consumer Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305-2516.

SUPPLEMENTARY INFORMATION:

Implementation

As required by Section 3(o) of the Food Stamp Act of 1977 (the Act), 7 U.S.C. 2012(o), State agencies should have implemented the adjustments to the maximum food stamp allotments reflected in this notice on October 1, 1996, based on advance notice of the new amounts. Similarly, State agencies received notice of the changes in deductions from income that were required to be implemented on January 1, 1997. In accordance with regulations published at 47 FR 46485-46487 (October 19, 1982), annual statutory adjustments to the maximum allotment levels, income eligibility standards, and deductions are issued by general notices published in the **Federal Register** and not through rulemaking proceedings.

Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, was enacted on August 22, 1996. Several provisions of that law affect Food Stamp Program allotment levels, income eligibility standards and deduction amounts. The provisions of Pub. L. 104-193 discussed herein were intended by Congress to be binding and non-discretionary. In that light, the Department has determined in accord with 5 U.S.C. 553(b)(2)(B) that good cause existed to implement the required statutory changes without prior notice and comment. To meet the implementation requirements of Public Law 104-193, State agencies were informed of the new standards in guidance issued by the Department prior to the publication of this notice.

Subsequent to the publishing of this notice, various regulatory changes corresponding to the statutory changes will be promulgated. These regulatory changes will not affect the provisions of Pub. L. 104-193 hereby implemented but will simply correlate the Code of Federal Regulations with the Act.

Classification

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance Under No. 10.551. For the reasons set forth in the final rule related notice to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

The Under Secretary for Food, Nutrition and Consumer Services, has certified that this action will not have a significant economic impact on a substantial number of small entities. The action will increase the amount of money spent on food through food stamps. However, this money will be distributed among the nation's food vendors, so the effect on any one vendor will not be significant.

Paperwork Reduction Act

This action does not contain reporting or record keeping requirements subject to approval by OMB pursuant to the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Background

Income Eligibility Standards

The eligibility of households for the Food Stamp Program, except those in

which all members are receiving "benefits under a State program funded under part A of title IV of the Social Security Act [], supplemental security income [SSI] benefits under title XVI of the Social Security Act [], or aid to the aged, blind, or disabled under title I, X, XIV, or XV of the Social Security Act. * * *", is determined by comparing their incomes to the appropriate income eligibility standards (limits). Pursuant to Section 5(c)(2) of the Act, 7 U.S.C. 2014(c)(2), households containing an elderly or disabled member are required to have qualifying net incomes, while households which do not contain an elderly or disabled member must have qualifying net incomes *and* qualifying gross incomes. Households in which all members are receiving Social Security Act title IV benefits or SSI are "categorically eligible;" under 7 CFR 273.2(j)(2) their incomes do not have to be below the income limits.

As provided in Section 5(c)(1) of the Act, the net and gross income limits applicable to food stamp eligibility are derived from the Federal income poverty guidelines established under Section 673(2) of the Community Services Block Grant Act, 42 U.S.C. 9902(2). The net income limit is 100 percent of the poverty line. The gross income limit is 130 percent of the poverty line. The guidelines are updated annually. Based on that update, the Food Stamp Program's income eligibility standards are updated each October 1. Instructions for implementation of the required adjustments for October 1, 1996, were issued by the Deputy Administrator of the Food and Consumer Service in an August 2, 1996, memorandum to all State Food Stamp Program Directors. The revised income eligibility standards for the 48 States (including the District of Columbia, Guam and the Virgin Islands), Alaska and Hawaii are as follows:

Food Stamp Program; October 1, 1996-September 30, 1997

NET MONTHLY INCOME ELIGIBILITY STANDARDS
[100 Percent of Poverty Level]

Household size	48 States	Alaska	Hawaii
1	\$ 645	\$ 805	\$ 743
2	864	1,079	994
3	1,082	1,352	1,245
4	1,300	1,625	1,495
5	1,519	1,899	1,746
6	1,737	2,172	1,997
7	1,955	2,445	2,248
8	2,174	2,719	2,499

NET MONTHLY INCOME ELIGIBILITY STANDARDS—Continued
[100 Percent of Poverty Level]

Household size	48 States	Alaska	Hawaii
Each add. member	+219	+274	+251

GROSS MONTHLY INCOME ELIGIBILITY STANDARDS
[130 Percent of Poverty Level]

Household size	48 States	Alaska	Hawaii
1	\$ 839	\$1,047	\$ 966
2	1,123	1,402	1,292
3	1,407	1,758	1,618
4	1,690	2,113	1,944
5	1,974	2,468	2,270
6	2,258	2,824	2,596
7	2,542	3,179	2,922
8	2,826	3,534	3,248
Each add. member	+284	+356	+327

GROSS MONTHLY INCOME ELIGIBILITY STANDARDS FOR HOUSEHOLDS WHERE ELDERLY DISABLED ARE A SEPARATE
HOUSEHOLD
[165 Percent of Poverty Level]

Household size	48 States	Alaska	Hawaii
1	\$1,065	\$1,329	\$1,226
2	1,425	1,780	1,639
3	1,785	2,231	2,053
4	2,145	2,682	2,467
5	2,506	3,133	2,881
6	2,866	3,584	3,295
7	3,226	4,035	3,709
8	3,586	4,486	4,123
Each add. member	+361	+451	+414

Thrifty Food Plan (TFP) and Allotments

As provided for in Section 3(o) of the Act, the TFP is a plan for the consumption of foods of different types (food groups) that a household might use to provide nutritious meals and snacks for household members. The plan reflects a diet required to feed a family of four persons consisting of a man and a woman aged 20 to 50, a child 6 to 8 and a child 9 to 11. The cost of the TFP is adjusted monthly to reflect changes in the costs of the food groups.

The TFP is also the basis for establishing food stamp allotments. "Allotment" is defined in Section 3(a) of the Act as "the total value of coupons a household is authorized to receive during each month." Food stamp allotments are adjusted periodically to reflect the changes in food cost levels indicated in the changing amounts of the TFP. Prior to the amendment of Section 3(o) of the Act by Section 804 of Pub. L. 104-193, allotment amounts were established on each October 1 at 103% of the cost of the TFP in the previous June. Amended Section 3(o)(4) of the Act now provides that the TFP

will be adjusted each October 1 to reflect the exact cost, or 100%, of the TFP for the previous June, rounding the results to the nearest lower dollar increment for each household size, except that on October 1, 1996, the TFP was not to have been reduced below the amounts in effect on September 30, 1996.

To obtain the maximum food stamp allotment for each household size for the period October 1, 1996 to September 30, 1997, June 1996 TFP costs for the above described four-person household were divided by four, multiplied by the appropriate household size and economy of scale factor, in accordance with Section 3(o)(1) of the Act and the final result was rounded down to the nearest dollar. The maximum benefit, or allotment, is paid to households with no net income. For a household with income, the household's allotment is determined by reducing the maximum allotment for the household's size by 30 percent of the individual household's net income in accordance with Section 8(a) of the Act, 7 U.S.C. 2017(a). The following tables show the current

allotments for the 48 States and the District of Columbia.

Food Stamp Program; October 1, 1996–September 30, 1997

MAXIMUM FOOD STAMP ALLOTMENTS

Household size	48 States and the District of Columbia
1	\$120
2	220
3	315
4	400
5	475
6	570
7	630
8	720
Each additional person ...	+90

Minimum Benefit

Prior to Public Law 104-193, Section 8(a) of the Act, 7 U.S.C. 2017(a), provided that the minimum benefit for one- and two-person households would be \$10 per month and would be adjusted to the nearest \$5 each October 1 based on the percentage change in the TFP for the twelve-month period ending

the preceding June. Section 826 of Public Law 104-193 amended Section 8(a) effective October 1, 1996 by removing the annual adjustment provision, thus freezing the minimum benefit at \$10.

Standard Deduction

Section 5(e)(1) of the Act, 7 U.S.C. 2014(e)(1), provides that, in computing household income, households shall be allowed a standard deduction. Prior to August 22, 1996, Section 5(e) also required that the standard deduction be adjusted periodically. Section 809 of Public Law 104-193 amended Section 5(e)(1) to eliminate the periodic adjustment, freezing the standard deduction for each household in the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States at the 1994 level, \$134, \$229, \$189, \$269, and \$118, respectively.

Shelter Deduction

Prior to August 22, 1996, Section 5(e) of the Act also mandated increases in the shelter deduction limitation effective July 1, 1994, and October 1, 1995, and an elimination of the limitation effective January 1, 1997. Section 809 of Public Law 104-193 amended Section 5(e)(7) of the Act to provide that a household shall be entitled to an excess shelter expense deduction to the extent that the monthly amount expended by a household for shelter exceeds an amount equal to 50 percent of monthly household income after all other applicable deductions have been allowed. However, in the case of a household that does not contain an elderly or disabled individual, in the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam and the Virgin Islands of the United States, the excess shelter deduction shall not exceed:

(i) for the period beginning on the date of enactment of the law and ending on December 31, 1996, \$247, \$429, \$353, \$300, and \$182 per month, respectively;

(ii) for the period beginning on January 1, 1997, and ending September 30, 1998, \$250, \$434, \$357, \$304, and \$184 per month, respectively;

(iii) for fiscal years 1999 and 2000, \$275, \$478, \$393, \$334, and \$203 per month, respectively;

(iv) for fiscal year 2001 and each subsequent fiscal year, \$300, \$521, \$429, \$364, and \$221 per month, respectively.

Homeless Shelter Allowance

Prior to August 22, 1996, Section 11(e)(3)(E) of the Act, 7 U.S.C.

2020(e)(3)(E), required the Secretary of Agriculture to prescribe rules requiring State agencies to develop standard estimates of the shelter expenses that could reasonably be expected to be incurred by households in which all members were homeless but which are not receiving free shelter throughout the month. In recognition of the difficulty State agencies could face in gathering the necessary information to compute standard shelter estimates for their States, the Department offered a standard estimate which could be used by all State agencies in lieu of their own estimates.

Sections 809 and 835 of Pub. L. 104-193 required revisions in the above described procedures. Section 809 amended Section 5(e)(5) of the Act, 7 U.S.C. 2014(e)(5), to allow State agencies the option to develop a standard, stand-alone homeless shelter allowance, which shall not exceed \$143 per month and is not to be adjusted annually, for such expenses as may reasonably be expected to be incurred by households in which all members are homeless individuals but are not receiving free shelter throughout the month. State agencies that develop the allowance may use it in determining eligibility and allotments for the households. State agencies may make a household with extremely low shelter costs ineligible for the allowance. In essence, these rules match those in existence at 7 CFR 273.9(d)(5), with the exception of establishing a maximum allowance of \$143. Therefore, no additional rulemaking was required prior to the implementation of this provision of Pub. L. 104-193. Section 835 of Pub. L. 104-193 repealed Section 11(e)(3)(E) of the Act.

Dated: April 4, 1997.

William E. Ludwig,

Administrator, Food and Consumer Service.

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DEPARTMENT OF AGRICULTURE

Forest Service

Availability of Appealable Decisions

AGENCY: Forest Service, USDA.

ACTION: Notice: Availability of appealable decisions; legal notice for availability for comment of decisions that may be appealable under 36 CFR part 215.

SUMMARY: Responsible Officials in the Southwestern Region will publish notice of availability for comment and notice of decisions that may be subject

to administrative appeal under 36 CFR part 215. These notices will be published in the legal notice section of the newspapers listed in the Supplementary Information section of this notice. As provided in 36 CFR 215.5 and 215.9, such notice shall constitute legal evidence that the agency has given timely and constructive notice for comment and notice of decisions that may be subject to administrative appeal. Newspaper publication of notices of decisions is in addition to direct notice to those who have requested notice in writing and those known to be interested in or affected by a specific decision.

DATES: Use of these newspapers for purpose of publishing legal notices for comment and decisions that may be subject to appeal under 36 CFR part 215 shall begin April 16, 1997 and continue until further notice.

FOR FURTHER INFORMATION CONTACT:

Pat Jackson, Regional Appeals Coordinator, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87102, 505-842-3305.

SUPPLEMENTARY INFORMATION:

Responsible Officials in the Southwestern Region will give legal notice of decisions that may be subject to appeal under 36 CFR part 215 in the following newspaper which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive notice for comment and for decisions that may be subject to administrative appeal. As provided in 36 CFR part 215.5, the timeframe for appeal shall be based on the date of publication of a notice for decision in the primary newspaper.

Notice by Regional Forester of Availability for Comment and Decisions Affecting New Mexico Forests

Albuquerque Journal, published daily in Albuquerque, Bernalillo County, New Mexico, for comment and decisions affecting National Forest System lands in the State of New Mexico and for any decisions of Region-wide impact.

Notice by Regional Forester of Availability for Comment and Decisions Affecting Arizona Forests

The Arizona Republic published daily in Phoenix, Maricopa County, Arizona, for comment and decisions affecting National Forest System lands in the State of Arizona and for any decisions of Region-wide impact