

**Regulatory Flexibility Act**

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

**List of Subjects in 5 CFR Part 532**

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule (63 FR 6471) amending 5 CFR part 532 published on February 9, 1998, is being adopted as final with no changes.

Office of Personnel Management.

**Janice R. Lachance,**

*Director.*

[FR Doc. 99-9158 Filed 4-12-99; 8:45 am]

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**DEPARTMENT OF AGRICULTURE****Farm Service Agency****7 CFR Part 760**

RIN 0560-AF66

**Dairy Indemnity Payment Program**

**AGENCY:** Farm Service Agency, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the authority citation for the Dairy Indemnity Payment Program (DIPP) regulations to cover the expenditure of additional funds that were recently appropriated. The DIPP indemnifies dairy farmers for milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because of the presence of certain specified forms of contamination.

**EFFECTIVE DATE:** April 13, 1999.

**FOR FURTHER INFORMATION CONTACT:** Raellen Erickson, Agricultural Program Specialist, Price Support Division, FSA, USDA, STOP 0512, 1400 Independence Avenue, SW, Washington, DC 20250-0512; telephone (202) 720-7320; e-mail address is raellen\_erickson@wdc.fsa.usda.gov.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866**

This rule 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).

**Federal Assistance Program**

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are Dairy Indemnity Payments, Number 10.053.

**Regulatory Flexibility Act**

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because the Farm Service Agency is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

**Environmental Evaluation**

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

**Executive Order 12372**

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

**Executive Order 12988**

This rule has been reviewed pursuant to Executive Order 12988. To the extent State and local laws are in conflict with these regulatory provisions, it is the intent of CCC that the terms of the regulations prevail. The provisions of this rule are not retroactive. Prior to any judicial action in a court of competent jurisdiction, administrative review under 7 CFR part 780 must be exhausted.

**Paperwork Reduction Act**

The amendment to 7 CFR part 760 set forth in this final rule does not contain additional information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35. Existing information collections were approved by OMB and assigned OMB Control Number 0560-0116.

**Background**

The DIPP was originally authorized by section 331 of the Economic Opportunity Act of 1964, Pub. L. 88-452. The statutory authority for the program has been amended and extended several times. Funds were appropriated for DIPP by the Agriculture, Rural Development, Food

and Drug Administration, and Related Agencies Act, 1998 ("the 1998 Act"), Pub. L. 105-86, 111 Stat. 2079, which authorizes the program until the \$550,000 in funds appropriated under that act are expended. More recently, funds were appropriated for this program by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 ("the 1999 Act"), Pub. L. 105-277, 112 Stat. 2681, which authorizes the program to be carried out until the \$450,000 in funds appropriated under the 1999 Act are expended. Not all the funds appropriated under the 1998 Act have been expended and the remaining funds are still available in addition to the funds appropriated under the 1999 Act.

The objective of DIPP is to indemnify dairy farmers for milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because such milk or dairy products contain certain harmful chemical residues. In addition, the DIPP also indemnifies dairy farmers who have been directed to remove milk from commercial markets due to residues of certain other chemicals or toxic substances, or contamination by nuclear radiation or fallout.

The regulations governing the program are set forth at 7 CFR part 760. This final rule makes no changes in the substantive provisions of the regulations. Because the only purpose of this final rule is to revise the authority citation to include the reference to the 1999 Act, it has been determined that no further public rulemaking is required. In addition, section 1133 of the 1999 Act provides statutory authority to issue final regulations without a notice and comment period. Therefore, this final rule shall become effective upon the date of publication in the **Federal Register**.

**List of Subjects in 7 CFR Part 760**

Dairy products, Indemnity payments, Pesticides and pests.

Accordingly, 7 CFR part 760 is amended as follows:

**PART 760—INDEMNITY PAYMENT PROGRAMS****Subpart—Dairy Indemnity Payment Program**

The authority citation for Subpart—Dairy Indemnity Payment Program is revised to read as follows:

**Authority:** Dairy Indemnity Program, Pub. L. 105-86, 111 Stat. 2079 and Pub. L. 105-277, 112 Stat. 2681.

Signed in Washington, DC, on March 30, 1999.

**Parks Shackelford,**

*Acting Administrator, Farm Service Agency.*

[FR Doc. 99-9129 Filed 4-12-99; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 103

[INS No. 1952-98]

#### The Addition of Commercial Delivery Service as a Form of Personal Service

RIN 1115-AF30

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Immigration and Naturalization Service (Service) regulations by adding the use of commercial delivery service as a form of personal service for the delivery of Notices of Intention to Fine (NIFs), Form I-79, by the Service. A commercial delivery service allows for the registered signature of the addressee or other responsible party to be on record, allows Service personnel to be able to track the mailing status of the copy on a computer information system, and allows the addressee to receive the copy in a timely and efficient manner. The change is intended to facilitate and improve the personal service of NIFs.

**DATES:** This final rule is effective April 13, 1999.

**FOR FURTHER INFORMATION CONTACT:** Marylena S. Kruszka, Immigration Fines Officer, National Fines Office, Immigration and Naturalization Service, 1400 Wilson Blvd., Suite 210, Arlington, VA 22209, telephone (202) 305-7018.

**SUPPLEMENTARY INFORMATION:** Currently, § 103.5a(a)(2) permits the Service to personally serve notices, decisions, or orders by: (1) Personally delivering the paperwork to the person in question; (2) delivering the paperwork to the person's residence; (3) delivering the paperwork to the person's attorney; or by (4) mailing a copy by certified or registered mail with a return receipt. This rule adds commercial overnight delivery service as a form of personal service for NIFs.

#### Why Is the Service Making This Change?

Currently, the National Fines Office (NFO) mails out approximately 7,000 NIFs per year via certified mail. By permitting commercial delivery, Service

personnel can use a commercial computer information system to complete the mail delivery forms, instantly track the status of the package, and retrieve the registered signature of the addressee. Commercial delivery services generally guarantee delivery within one or two business days. The NFO currently pays \$2.32 per NIF sent via certified mail, and \$3.50 via commercial delivery service. Even though commercial delivery is more expensive per NIF sent, multiple NIFs can be included and tracked in one overnight package; this is not the case with certified mail. There is also a cost involved in preparing the certified mail envelopes and filing the return receipts. The NFO has developed a method to record the overnight delivery tracking number for each NIF sent via commercial delivery service so there is no need to file a receipt. Moreover, since the commercial delivery system is automated, preparing the packages for mailing is less time consuming. Overall, there is a cost savings that will flow from the time and effort saved by using a commercial delivery service. Notice of Intention to Fine require timely responses by the recipient; therefore, guaranteed, verifiable delivery is beneficial to both the Service and the public. Accordingly, the Service is amending § 103.5a(a) to include commercial delivery service as a form of personal service for NIFs.

#### Good Cause Exception

This final rule is effective upon publication in the **Federal Register**. Compliance with 5 U.S.C. 553 with regard to proposed rulemaking and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment relates to agency procedure and practice.

#### Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule is intended to increase Service efficiency and reduce costs to the Government.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any 1 year, and it will not significantly or uniquely affect small

governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects or competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

#### Executive Order 12612

The regulation adopted herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Executive Order 12988 Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

#### List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

Accordingly, part 103 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows: