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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1780

RIN 0572-AB44

Water and Waste Program Regulations

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) amends the rules used to administer the water and waste loan and grant programs. This action implements provisions of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1999 (Act). The Act reduces the amount of funds that a rural or native Alaskan village applicant must contribute from 50 percent to 25 percent of the project development costs. Additionally, it removes the population eligibility requirement that expired September 30, 1998, for certain timber-dependent communities in the Pacific Northwest. This action also includes an increase in the administrative fee that the Appalachian Regional Commission pays to USDA to administer grants for projects in which USDA has provided no funds and makes other technical corrections. The intended effect is to make 7 CFR part 1780 current with statutory authority.

EFFECTIVE DATE: June 4, 1999.

FOR FURTHER INFORMATION CONTACT: Cheryl Francis, Loan Specialist, Water and Waste Division, Rural Utilities Service, USDA, South Agriculture Building, Room 2239, STOP 1570, Washington, DC 20250, telephone: (202) 720-9589.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be not significant under Executive Order 12866, Regulatory Planning and Review.

Therefore, the Office of Management and Budget (OMB) has not been reviewed by OMB.

National Environmental Policy Act Certification

This action has been reviewed under 7 CFR Part 1940, Subpart G, Environmental Program. It has been determined that the action does not constitute a major Federal action significantly affecting the quality of the human environment. An Environmental Impact Statement is not required under the National Environmental Policy Act of 1969.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order.

In accordance with the Executive Order and the rule: (1) all state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to the rule; and (3) administrative appeal procedures, if any, must be exhausted before litigation against the Department or its agencies may be initiated in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912).

Information Collection and Recordkeeping Requirements

The Office of Management and Budget (OMB) has approved the reporting and recordkeeping requirements contained in the rule under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). OMB has assigned clearance number 0575-0115.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act.

Regulatory Flexibility Act Certification

Under section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), RUS certifies that this rule will

not have a significant economic impact on a substantial number of small entities. The amendments reflect only statutory changes that Congress has mandated and over which the Agency has no discretion. They also involve minimal procedural matters on other agreements already negotiated.

Executive Order 12372

The water and waste loan and grant program is listed in the Catalog of Federal Domestic Assistance under number 10.760, Water and Waste Disposal Systems For Rural Communities. The program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. Consultation will be completed at the time of the action performed.

Background

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment although 5 U.S.C. 553 exempts such rules from publication. Good cause is found for not requiring notice and comment before making this rule effective.

These amendments are not published for proposed rulemaking because they merely reflect changes in statutory authority enacted by the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1999 (Act). They also make only minor technical corrections to the regulations, which do not involve matters of agency discretion. The Act leaves no discretion to the agency as to the local share of project costs the rural and native Alaskan village applicants must contribute. Notice and public comment, therefore, are impractical, unnecessary, and contrary to the public interest.

The Act amends section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) by inserting "25 percent" instead of "equal" in subsection (b). Section 306D authorizes the Secretary of Agriculture to make grants for the benefit of rural or native villages in the State of Alaska. This amendment reduces the percentage of matching funds that must be provided from non-Federal sources to 25 percent.

This final rule deletes the temporary expansion of eligibility of certain

timber-dependent communities in the Pacific Northwest. Public Law 103-427 expanded the maximum population eligibility for RUS water and waste loans and grants from 10,000 to 25,000 inhabitants if the cities or towns met certain criteria. This change in eligibility expired on September 30, 1998, and is being removed from the regulations.

On August 24, 1998, USDA and the Appalachian Regional Commission (ARC) updated the Memorandum of Agreement (MOA) that establishes a working partnership to serve the needs of Appalachian communities. This MOA increases the fee that ARC pays USDA for administering grants to Appalachian communities on behalf of ARC. The fee increase will better reflect the present cost in administering the grants.

The fee had been calculated as 5 percent of the first \$50,000 of an ARC grant and 1 percent of any amount over \$50,000. The MOA increases the ARC grant amount on which the percentages are based from \$50,000 to \$100,000. The fees will increase to 5 percent of the first \$100,000 of an ARC grant plus 1 percent of any amount over \$100,000.

The final rule also makes some minor technical corrections to the regulations to correct deficiencies that have surfaced since the regulation was published June 19, 1997 (62 FR 33462). The changes are mostly grammatical and eliminate obsolete form references.

List of Subjects in 7 CFR Part 1780

Business and industry, Community development, Community facilities, Grant programs-housing and community development, Reporting and recordkeeping requirements, Rural areas, Waste treatment and disposal, Water supply, Watersheds.

Therefore, the Rural Utilities Service amends 7 CFR chapter XVII as follows:

PART 1780—WATER AND WASTE LOANS AND GRANTS

1. The authority citation for part 1780 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 16 U.S.C. 1005.

Subpart A—General Policies and Requirements

2. Remove § 1780.7(h).
3. Revise § 1780.10(b)(2) to read as follows:

§ 1780.10 Limitations.

* * * * *

(b) * * *

(2) Pay any costs of a project when the median household income of the service

area is more than 100 percent of the nonmetropolitan median household income of the State;

* * * * *

Subpart B—Loan and Grant Application Processing

4. Revise § 1780.35(c) to read as follows:

§ 1780.35 Processing office review.

* * * * *

(c) *User charges.* The user charges should be reasonable and produce enough revenue to provide for all costs of the facility after the project is complete. The planned revenue should be sufficient to provide for all debt service, debt reserve, operation and maintenance, and, if appropriate, additional revenue for facility replacement of short-lived assets without building a substantial surplus. Ordinarily, the total debt service reserve will be equal to one average annual loan installment which will accumulate at the rate of one-tenth of the total each year.

5. In § 1780.39, paragraphs (e)(2) and (f) introductory text are revised to read as follows:

§ 1780.39 Application processing.

* * * * *

(e) * * *

(2) *Other than general obligation or special assessment bonds.* Each borrower will be required to establish and maintain reserves sufficient to assure that loan installments will be paid on time, for emergency maintenance, for extensions to facilities, and for replacement of short-lived assets which have a useful life significantly less than the repayment period of the loan. Borrowers issuing bonds or other evidences of debt pledging facility revenues as security will plan their debt reserve to provide for at least one average annual loan installment. The debt reserve will accumulate at the rate of one-tenth of an average annual loan installment each year unless prohibited by state law.

(f) *Membership authorization.* For organizations other than public bodies, the membership will authorize the project and its financing. Form RD 1942-8, "Resolution of Members or Stockholders," may be used for this authorization. The approval official may accept RUS Bulletin 1780-28, "Loan Resolution Security Agreement," without such membership authorization when State statutes and the organization's charter and bylaws do not require such authorization; and

* * * * *

6. Revise § 1780.45(a)(2) to read as follows:

§ 1780.45 Loan and grant closing and delivery of funds.

(a) * * *

(2) RUS Bulletins 1780-27, "Loan Resolution (Public Bodies)," or 1780-28, "Loan Resolution Security Agreement," will be adopted by public and other-than-public bodies. These resolutions supplement other provisions in this part.

* * * * *

7. Revise § 1780.48(b) introductory text to read as follows:

§ 1780.48 Regional commission grants.

* * * * *

(b) When RUS has no loan or grant funds in the project, an administrative charge will be made pursuant to the Economy Act of 1932 (31 U.S.C. 1535). A fee of 5 percent of the first \$100,000 of a regional commission grant and 1 percent of any amount over \$100,000 will be paid to RUS by the commission.

* * * * *

8. In § 1780.49, paragraphs (c)(4) and (d) are revised to read as follows:

§ 1780.49 Rural or Native Alaskan villages.

* * * * *

(c) * * *

(4) The applicant must obtain 25 percent of project development costs from State or local contributions. The local contribution can be from loan funds authorized under this part.

(d) *Grant amount.* Grants will be made for up to 75 percent of the project development costs.

* * * * *

Subpart C—Planning, Designing, Bidding, Contracting, Constructing and Inspections

9. Revise § 1780.55 to read as follows:

§ 1780.55 Preliminary engineering reports and Environmental Reports.

Preliminary engineering reports (PERs) must conform to customary professional standards. PER guidelines for water, sanitary sewer, solid waste, and storm sewer are available from the Agency. Environmental Reports must meet the policies and intent of the National Environmental Policy Act and RUS procedures. Guidelines for preparing Environmental Reports are available in RUS Bulletin 1794A-602.

10. In § 1780.57, add paragraph (o) to read as follows:

§ 1780.57 Design policies.

* * * * *

(o) *Seismic safety.* All new structures, fully or partially enclosed, used or

intended for sheltering persons or property will be designed with appropriate seismic safety provisions in compliance with the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*), and Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (3 CFR, 1990 Comp., p. 269). Designs of components essential for system operation and substantial rehabilitation of structures that are used for sheltering persons or property should incorporate seismic safety provisions to the extent practicable. RUS implementing regulations for seismic safety are in 7 CFR part 1972, subpart C.

Subpart D—Information Pertaining to Preparation of Notes or Bonds and Bond Transcript Documents for Public Body Applicants

11. Revise § 1780.94(j)(3) to read as follows:

§ 1780.94 Minimum bond specifications.

* * * * *

(j) * * *

(3) Provisions that amend covenants contained in RUS Bulletins 1780–27 or 1780–28.

* * * * *

Dated: May 18, 1999.

Jill Long Thompson,

Under Secretary for Rural Development.

[FR Doc. 99–13931 Filed 6–3–99; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. 98–078–1]

Ports Designated for Exportation of Horses; New Jersey and New York

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are amending the “Inspection and Handling of Livestock for Exportation” regulations by changing the lists of approved ports of embarkation and export inspection facilities for horses in New Jersey and New York. In New Jersey, we are removing Deep Hollow Farm in Woodstown, NJ, as the export inspection facility for horses exported from the ocean port of Salem, NJ, and adding Mannington Meadows Farm in Woodstown, NJ, in its place. We are adding Elizabeth and Newark

International Airport, NJ, as ports of embarkation, and Tolleshunt Horse Farm in Whitehouse, NJ, and the U.S. Equestrian Team’s headquarters in Gladstone, NJ, as export inspection facilities for horses for those ports. We are also adding Tolleshunt Horse Farm and the U.S. Equestrian Team’s headquarters as export inspection facilities for horses for the currently approved port of New York, NY. These actions will update the regulations by adding two ports of embarkation and three export inspection facilities through which horses may be processed for export.

DATES: This rule will be effective on August 3, 1999 unless we receive written adverse comments or written notice of intent to submit adverse comments on or before July 6, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 98–078–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 98–078–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Michael David, Senior Staff Veterinarian, Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–8354; or e-mail: michael.j.david@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 91, “Inspection and Handling of Livestock for Exportation” (referred to below as the regulations), prescribe conditions for exporting animals from the United States. The regulations state, among other things, that all animals, except animals being exported by land to Canada or Mexico, must be exported

through designated ports of embarkation, unless the exporter could show that the animals would suffer undue hardship.

Section 91.14(a) contains a list of designated ports of embarkation and export inspection facilities. To receive designation as a port of embarkation, a port must have export inspection facilities available for inspecting, holding, feeding, and watering animals prior to exportation to ensure that the animals meet certain requirements specified in the regulations. To receive approval as an export inspection facility, the regulations provide that a facility must meet specified standards in § 91.14(c) concerning materials, size, inspection implements, cleaning and disinfection, feed and water, access and approval of arrangements, testing and treatment, location, disposal of animal wastes, lighting, office and restroom facilities, and walkways.

Deep Hollow Farm, an export inspection facility for horses listed in § 91.14(a) for the ocean port of Salem, NJ, is no longer being used as an export inspection facility. However, we believe that Mannington Meadows Farm, 60 Oechsle Road, Woodstown, NJ 08098, (609) 769–2009, meets the requirements of § 91.14(c) as an export inspection facility for horses. Mannington Meadows Farm is located 6 miles from the ocean port of Salem, NJ. Exporters using Mannington Meadows Farm will be able to transport their horses to the ocean port of Salem, NJ, in approximately 15 minutes. This rule will amend § 91.14(a) in accordance with the procedures explained below under “Dates.” The amendments will remove Deep Hollow Farm as an export inspection facility for horses for the port of Salem, NJ, and add Mannington Meadows Farm in its place.

The amendments will also add two new ports, Elizabeth and Newark International Airport, NJ, to the list of designated ports of embarkation in § 91.14(a). Elizabeth, NJ, will be added as an ocean port. Newark International Airport, NJ, will be added as an airport. We believe that Tolleshunt Horse Farm, 10 Island Road, Box 469, Whitehouse, NJ 08888–0469, (908) 534–7738, and the U.S. Equestrian Team’s headquarters, Pottersville Road, Gladstone, NJ 07934, (908) 234–1251, meet the requirements of § 91.14(c) as export inspection facilities for horses. Exporters using the Tolleshunt Horse Farm and the U.S. Equestrian Team’s headquarters will be able to transport their horses to a port of embarkation in approximately 1 hour. Therefore, we will add Tolleshunt Horse Farm and the U.S. Equestrian Team’s