does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Does this Action Involve Any Environmental Justice Issues?

No. This action is not expected to have any potential impacts on minorities and low income communities. Special consideration of environmental justice issues is not required under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

F. Does this Action Have a Potentially Significant Impact on a Substantial Number of Small Entities?

No. The Agency has certified that tolerance actions, including the tolerance actions in this document, are not likely to result in a significant adverse economic impact on a substantial number of small entities. The factual basis for the Agency's determination, along with its generic certification under section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), appears at 63 FR 55565, October 16, 1998 (FRL–6035–7). This generic certification has been provided to the Chief Counsel for Advocacy of the Small Business Administration.

G. Does this Action Involve Technical Standards?

No. This tolerance action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note). Section 12(d) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

H. Are There Any International Trade Issues Raised by this Action?

EPA is working to ensure that the U.S. tolerance reassessment program under FQPA does not disrupt international trade. EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them. MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When possible, EPA seeks to harmonize U.S. tolerances with Codex MRLs. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain in a Federal Register document the reasons for departing from the Codex level. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual REDs. The U.S. EPA is developing a guidance concerning submissions for import tolerance support. This guidance will be made available to interested stakeholders.

I. Will EPA Submit this Final Rule to Congress and the Comptroller General?

Yes. The Congressional Review Act, 5 U.S.C. 801 *et seq* ., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). EPA has made such a good cause finding for this final rule, and established an effective date of January 25, 1999. Pursuant to 5 U.S.C. 808(2), this determination is supported by the brief statement in Unit V of this preamble. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 25, 1999.

Stephen L. Johnson,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

For the reasons set forth in the preamble, the amendment to § 180.145, published at 63 FR 57073, October 26, 1998, removing the entries for apricots, blackberries, boysenberries, dewberries, kale, loganberries, nectarines, and youngberries from the table in paragraph (a)(1) is withdrawn. The other removals from § 180.145 are not affected by this withdrawal.

[FR Doc. 99–2009 Filed 1–25–99; 4:23 pm]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 239

[FRL–6223–8]

RIN 2050–AD03

Subtitle D Regulated Facilities; State Permit Program Determination of Adequacy; State Implementation Rule—Amendments and Technical Corrections

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to modify the State Implementation Rule (''SIR rule''). This modification changes the withdrawal of state permit programs provision in § 239.13 of the SIR rule so that Agency withdrawals of an approved state municipal solid waste landfill (MSWLF) or conditionally exempt small quantity generator (CESQG) permit program would only apply to the entire approved program.

The final SIR, which was published on October 23, 1998, set forth a flexible framework for modifications of approved programs, established procedures for withdrawal of approvals (including withdrawal of a part or parts of a state program), and confirmed the process for future program approvals so that standards that safeguard human health and the environment are maintained (63 FR 57026). Withdrawal of a part or parts of a state program will no longer apply.

EPA is also making some technical corrections to the withdrawal provision of the SIR rule.

DATES: This rule is effective on March 29, 1999 without further notice, unless EPA receives relevant adverse comment by March 1, 1999. If we receive relevant adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments may be sent to the RCRA Information Center (RIC), Office of Solid Waste (5305G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Please see the proposed rule elsewhere in today's **Federal Register** action for additional information on submission of comments.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460; 800–424–9346; TDD 800–553–7672 (hearing impaired); in the Washington, DC metropolitan area, the number is 703–412–9810; TDD 703–486–3323.

For more detailed information on specific aspects of this rulemaking, contact Karen Rudek, Office of Solid Waste (5306W), U.S. Environmental Protection Agency Headquarters, 401 M Street SW, Washington, DC 20460; 703–308–1682, rudek.karen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Authority

The U.S. Environmental Protection Agency (EPA or the Agency) is promulgating these amendments to the SIR rule under the authority of section 2002(a)(1) and 4005(c) of the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), as amended by the Hazardous and Solid Waste Amendments of 1984.

Subtitle D of RCRA, at section 4005(c)(1)(B), requires each state to develop and implement a permit program or other system of prior approval to ensure that facilities that receive household hazardous waste or conditionally exempt small quantity generator (CESQG) hazardous waste are in compliance with the federal revised criteria promulgated under section 4010(c) of Subtitle D of RCRA. Section 4005(c)(1)(C) further directs EPA to determine whether state permit programs are adequate to ensure compliance with the revised federal criteria. Section 2002(a)(1) of RCRA authorizes EPA to promulgate regulations necessary to carry out its functions under the Act.

II. Regulated Entities

Regulated entities include state governments requesting full or partial approvals of permit programs or other systems of prior approval, or revisions to existing fully or partially approved programs.

III. Background

A. The RCRA Subtitle D Federal Revised Criteria

On October 9, 1991, EPA promulgated the ''Solid Waste Disposal Facility Criteria: Final Rule,'' which established 40 CFR part 258 (56 FR 50978). These criteria include location restrictions and standards for design, operation, ground-water monitoring, corrective action, financial assurance, and closure and post-closure care for MSWLFs. On July 1, 1996, EPA amended 40 CFR part 257 by adding Subpart B, ''Federal Disposal Standards for the Receipt of CESQG Wastes at Non-Municipal, Non-Hazardous Waste Disposal Units'' (61 FR 34252). The 40 CFR part 257, Subpart B criteria include location restrictions, ground-water monitoring, and corrective action standards for non-municipal, non-hazardous waste disposal units that receive CESQG hazardous wastes. The 40 CFR part 257, Subpart B and 40 CFR part 258 criteria, henceforth referred to as the ''Subtitle D federal revised criteria,'' establish minimum federal standards that take into account the practical capability of owners and operators and ensure that both MSWLFs and non-municipal, non-hazardous waste disposal units that receive CESQG hazardous wastes are designed and managed in a manner that is protective of human health and the environment.

Every standard in the Subtitle D federal revised criteria is designed to be implemented by the owner or operator, with or without oversight or participation by a regulatory agency. States with approved programs may choose to permit the Subtitle D federal revised criteria exactly, or they may choose to allow owners and operators to use site-specific alternative approaches to meet the federal performance standards. The flexibility that an owner or operator may be allowed under an approved state program can provide a significant reduction in the burden associated with complying with the federal criteria.

IV. The SIR Rulemaking

A. Partial Withdrawals of State Permit Programs

On January 26, 1996, EPA published a proposed rule which set forth standards which would guide states in developing, implementing, and revising RCRA Subtitle D permit programs that would meet criteria for an EPA determination of adequacy under RCRA section 4005(c)(1)(C) (61 FR 2584). In the proposal, we provided standards and procedures (§ 239.13) for withdrawing an adequacy determination when a Regional Administrator has reason to believe that a state ''* * * no longer has an adequate permit program or adequate authority to administer and enforce an approved program * * *'' (61 FR 2605). At the same time, the Agency proposed procedures for approving state permit programs on a partial basis (§ 239.11; 61 FR 2604).

EPA received a number of comments on the proposed rule, and took those comments into consideration in promulgating the SIR rule. For example, the Agency received one comment from a state environmental agency which we interpreted as suggesting that EPA include in the final rule the option of allowing Regional Administrators to withdraw a state permit program in a partial manner. In response to this comment, EPA modified the final rule to allow for such partial withdrawals of state permit programs (63 FR 57035). As promulgated, § 239.13 authorized the Regional Administrator to initiate and proceed with withdrawal actions for ''all or a part of a state program * * *'' (63 FR 57043).

Since publication of the SIR rule, however, a number of different stakeholders, including states and a state solid waste management organization, have contacted EPA and have raised questions about the partial withdrawal provision in section 239.13. Based on these additional discussions, we now recognize that there are issues and concerns that we had not considered before including the partial withdrawal provision in the SIR rule. We now believe that the issue of partial withdrawals of RCRA Subtitle D state permit programs is a matter that deserves additional discussion with relevant stakeholders. Thus, we have decided to amend the SIR rule to allow for withdrawal only of an entire program, as originally proposed (rather than allowing for the withdrawal of all or a part of an approved state program). The Agency intends to consider this issue further and to have additional discussions with interested stakeholders before taking any additional action.

B. Technical Corrections

In addition to this amendment to the SIR rule, we are also promulgating two technical corrections to errors which the Agency discovered in the language of

§ 239.13. First, in § 239.13(g)(3), both the proposed and final rule had stated that the Regional Administrator would hold a public hearing on a tentative withdrawal determination if such a hearing would ''clarify issues involved in the tentative adequacy determination'' (63 FR 57044, Oct. 23, 1998; 61 FR 2605, Jan. 26, 1996). As reflected in both the title of this section of the SIR rule (''Criteria and procedures for withdrawal of determination of adequacy'') and in the preamble to the proposed rule (61 FR 2509), it is clear that the Agency intended this language in § 239.13(g)(3) to allow the Regional Administrator to hold a public hearing to clarify issues involved in the tentative ''withdrawal'' determination and not the tentative ''adequacy'' determination. The Agency has modified the SIR rule to reflect this intention.

Second, in the first sentence of both § 239.13(f) and (g), we have inserted the word ''the'' in the phrase ''withdrawal of determination of adequacy'' to read ''withdrawal of the determination of adequacy.'' We believe that these corrections merely clarify the language without altering the intent of the two provisions.

EPA is publishing this rule without prior proposal because we view these changes as noncontroversial amendments and/or corrections to the SIR rule and anticipate no relevant adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to amend the SIR rule as outlined herein if adverse comments are received. This rule will be effective on March 29, 1999 without further notice unless we receive relevant adverse comment by March 1, 1999. If EPA receives relevant adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on this action must do so at this time.

If we receive relevant adverse comment on any amendment, paragraph, or section of this rule, only those amendments, paragraphs, or sections rule will be withdrawn; the other amendments, paragraphs, and sections of the rule will go into effect within the time frame specified above.

V. Regulatory Assessments

A. Executive Order 12866: Assessment of Potential Costs and Benefits

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether any proposed or final regulatory action is ''significant,'' and, therefore, subject to OMB review and the requirements of the Executive Order. The order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(a) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(b) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(c) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(d) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ''significant regulatory action.'' Thus, EPA has not submitted this action to OMB for review under E.O. 12866.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act (''SBREFA'') of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant adverse economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. The following discussion explains EPA's determination.

The Agency has determined that today's final rule will not have a significant economic impact on a substantial number of small entities, since the rule has direct effects only on state agencies. Therefore, no regulatory flexibility analysis has been prepared. Based on the foregoing discussion, I hereby certify that this rule will not have a significant adverse economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA''), Pub. L. 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of UMRA section 205 do not apply when they are inconsistent with applicable law. Moreover, UMRA section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative, if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed, under section 203 of UMRA, a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a federal mandate (under the regulatory provisions of Title II of the UMRA) that may result in expenditures of $100 million or more for state and local governments in the aggregate, or for the private sector in any one year. Thus, there is no obligation to prepare a written statement, including a cost-benefit analysis, under section 202 of UMRA. For the same reasons outlined

in part V.B above, EPA has determined that this direct final rule amending the SIR rule will not significantly or uniquely affect small governments (UMRA section 203).

D. Paperwork Reduction Act

Today's rule does not add new burden as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. The Office of Management and Budget has previously approved the information collection in the existing regulations and has assigned OMB control number 2050–0152, (EPA ICR No. 1608.01).

E. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866.

F. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Pub L. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

G. Executive Order 12898: Environmental Justice

Under Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' as well as through EPA's April 1995, ''Environmental Justice Strategy, OSWER Environmental Justice Task Force Action Agenda Report,'' and National Environmental Justice Advisory Council, EPA has undertaken to incorporate environmental justice into its policies and programs. EPA is committed to addressing environmental justice concerns and is assuming a leadership role in environmental justice initiatives to enhance environmental quality for all residents of the United States. The Agency's goals are to ensure that no segment of the population, regardless of race, color, national origin, or income bears disproportionately high and adverse human health and environmental effects as a result of EPA's policies, programs, and activities, and all people live in clean and sustainable communities. To address this goal, EPA considered the impacts of the final State Implementation Rule on low-income populations and minority populations and concluded that the SIR will potentially advance environmental justice causes (63 FR 57039, Oct. 23, 1998). Today's amendments to the SIR will not affect these beneficial impacts on environmental justice causes.

H. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

In developing this rule, EPA consulted with various states and a state organization to enable them to provide meaningful and timely input in the development of this rule. EPA also worked closely with state governments in the development of the final SIR (63 FR 57039, Oct. 23, 1998).

Through notice, EPA sought input from small governments during the SIR rulemaking process. However, today's rule amending the SIR rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

I. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. There is no impact on these communities. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VII. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a

report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 239

Environmental protection, Administrative practice and procedure, Municipal solid waste landfills, Non-municipal solid waste, Non-hazardous solid waste, State permit program approval, Adequacy.

Dated: January 19, 1999.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as set forth below:

PART 239—REQUIREMENTS FOR STATE PERMIT PROGRAM DETERMINATION OF ADEQUACY

1. The authority citation for Part 239 continues to read as follows:

Authority: 42 U.S.C. 6912, 6945.

2. Section 239.13 is amended by revising paragraphs (a), (b), (c), (f), and (g)(3) to read as follows:

§ 239.13 Criteria and procedures for withdrawal of determination of adequacy.

(a) The Regional Administrator may initiate withdrawal of a determination of adequacy when the Regional Administrator has reason to believe that:

(1) A state no longer has an adequate permit program; or

(2) The state no longer has adequate authority to administer and enforce an approved program in accordance with this part.

(b) Upon receipt of substantive information sufficient to indicate that a state program may no longer be adequate, the Regional Administrator shall inform the state in writing of the information.

(c) If, within 45 days of the state's receipt of the information in paragraph (b) of this section, the state demonstrates to the satisfaction of the Regional Administrator that the state program is adequate (i.e., in compliance with this part), the Regional Administrator shall take no further action toward withdrawal of the determination of adequacy and shall so notify the state and any person(s) who submitted information regarding the adequacy of the state's program and authorities.

* * * * *

(f) If the state takes appropriate action to correct deficiencies, the Regional Administrator shall take no further action toward withdrawal of the determination of adequacy and shall so notify the state and any person(s) who submitted information regarding the adequacy of the state's permit program. If the state has not demonstrated its compliance with this part to the satisfaction of the Regional Administrator, the Regional Administrator shall inform the State Director and may initiate withdrawal of the determination of state program adequacy.

(g) * * *

(3) Indicate that a public hearing will be held by EPA if sufficient public interest is expressed during the comment period or when the Regional Administrator determines that such a hearing might clarify issues involved in the tentative withdrawal determination.

* * * * *

[FR Doc. 99–1906 Filed 1–27–99; 8:45 am]

BILLING CODE 6560–50–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Part 2506

RIN 3045–AA21

Claims Collection

AGENCY: Corporation for National and Community Service.

ACTION: Interim rule with request for comments.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation'') is issuing interim regulations to govern the collection of debts owed to the Corporation and to other federal agencies. These regulations describe a number of actions that the Corporation may take to collect debts owed to it. These regulations also provide that the Corporation will enter into a cross-servicing agreement with the U.S. Department of the Treasury (Treasury) under which the Treasury will take authorized action to collect amounts owed to the Corporation.

DATES: These regulations are effective on January 28, 1999. Written comments must be received on or before March 29, 1999.

ADDRESSES: Send comments to: Corporation for National and Community Service, Kenneth L. Klothen, General Counsel, 1201 New York Avenue, N.W., Washington, D.C. 20525; telefax number (202) 565–2796.

FOR FURTHER INFORMATION CONTACT: Suzanne Dupre, Associate General Counsel, telephone number (202) 606–5000, extension 396.

SUPPLEMENTARY INFORMATION: These regulations describe a number of actions that the Corporation may take to collect debts owed to it, including: making offsets against amounts (including salary payments) owed to the debtor by the Corporation or other federal agencies; making offsets against tax refunds owed to the debtor by the Internal Revenue Service; referring the debt to a private collection contractor, and referring the matter to the U.S. Department of Justice (DOJ) for the initiation of an action in a judicial proceeding against the debtor. In addition, these regulations describe the actions necessary for the Corporation to take collection actions on behalf of another federal agency. These actions could include making offsets against the salary of a Corporation employee or any other amounts owed by the Corporation.

The regulations of this part are issued under section 3 of the Federal Claims Collection Act of 1966, Public Law 89–508, 80 Stat. 308; the Debt Collection Act of 1982, Public Law 97–365, 96 Stat. 1749; the Debt Collection Improvement Act of 1996, Public Law 104–134, 110 Stat. 1321; 31 U.S.C. 3720A; and in conformity with the Federal guidelines for agency debt collection issued by the DOJ and the General Accounting Office (4 CFR chapter II) and the guidelines of the Office of Personnel Management (5 CFR part 550, subpart K) on offsets against Federal employee salaries. These regulations also provide that the Corporation will enter into a cross-servicing agreement with the Treasury which is authorized under the Debt Collection Improvement Act of 1996, to take all of the above-listed actions to collect the debt for the Corporation. The Corporation anticipates that some of these procedures may change when revised Federal Claims Collection Standards are issued by the DOJ and the Treasury.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.