

deliberations on all issues. Like all committee meetings, the April 6, 1999, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following web site: <http://www.ams.usda.gov/fv/moab/.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments on changes to the percentage size regulation procedures under the Florida citrus marketing order. Any comments received will be considered before this rule is finalized.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule needs to be in place as soon as possible since any percentage size regulation implemented for the current season would begin on September 20 and all handlers planning to ship size 48 and 56 red seedless grapefruit need to plan accordingly; (2) the industry has been discussing this issue for some time, and the committee has kept the industry well informed; (3) the changes made have been widely discussed at various industry and association meetings; and (4) all written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 905.153 [Amended]

2. In § 905.153, paragraphs (d) and (e) are revised and a new paragraph (f) is added to read as follows:

§ 905.153 Procedure for determining handlers' permitted quantities of red seedless grapefruit when a portion of sizes 48 and 56 of such variety is restricted.

* * * * *

(d) During any regulation week for which the Secretary has fixed the percentage of sizes 48 and 56 red seedless grapefruit, any person who has received an allotment may handle, in addition to their total allotment available, an amount of size 48 and 56 red seedless grapefruit up to 10 percent greater than their allotment. The quantity of the overshipment shall be deducted from the handler's allotment for the following week. Overshipments will not be allowed during week 11. If the handler fails to use his or her entire allotment, the undershipment is not carried forward to the following week. Each handler shipping size 48 and/or 56 red seedless grapefruit during the regulation period shall complete and submit to the committee, no later than 2 p.m. of the business day following the shipment, a report of red seedless grapefruit shipments by day for each regulation week.

(e) Any handler may transfer or loan any or all of their shipping allotment (excluding the overshipment allowance) of size 48 and 56 red seedless grapefruit to any other handler. Each handler party to such transfer or loan shall no later than noon on the Wednesday following the regulation week notify the committee so the proper adjustment of records may be made. In each case, the committee shall confirm in writing all such transactions, prior to the following week, to the handlers involved. The committee may act on behalf of handlers wanting to arrange allotment loans or participate in the transfer of allotments.

(f) New handlers with no record of shipments planning to ship red seedless grapefruit covered by any percentage size regulation shall register with the committee prior to the regulation period so their allotments can be properly calculated. Each new handler shall provide on a form furnished by the committee their Florida citrus fruit dealer's license number, their Florida Department of Agriculture and

Consumer Services' Fruit and Vegetable Division packinghouse registration number, and the physical location of the packinghouse where the red seedless grapefruit is to be prepared for market. The committee shall notify any new handlers of their allotments prior to the regulation period.

Dated: September 21, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–25093 Filed 9–24–99; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

RIN 0960–AF07

Administrative Review Process; Prehearing Proceedings and Decisions by Attorney Advisors; Extension of Expiration Dates

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: These final rules extend the time period set out in our regulations during which attorney advisors in our Office of Hearings and Appeals (OHA) may conduct certain prehearing proceedings. When the documentary record developed as a result of these proceedings warrants, they may issue decisions that are wholly favorable to the parties to the hearing in claims for Social Security or Supplemental Security Income (SSI) benefits based on disability. We are extending the date at which these rules will no longer be effective from April 1, 2000, until April 2, 2001. We are making no other changes to the substance of the rules.

EFFECTIVE DATE: October 27, 1999.

FOR FURTHER INFORMATION CONTACT:

Lynn Hollway, Office of Disability and Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–0167 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION: On June 30, 1995, in an action undertaken to reduce the record numbers of requests for an administrative law judge (ALJ) hearing pending in our OHA hearing offices, we published final rules in the **Federal Register** (60 FR 34126) that authorize OHA's attorney advisors to conduct certain prehearing proceedings. If a decision that is wholly favorable to the parties to the hearing may be issued

at the completion of these proceedings, they may issue such a decision. These regulations, which are codified at 20 CFR § 404.942 and 416.1442, included a provision stating that the rules would no longer be effective on June 30, 1997, unless the Commissioner of Social Security extended the expiration date of the provisions by publication of a final rule in the **Federal Register**. We subsequently published final rules in the **Federal Register** on June 30, 1997 (62 FR 35073), June 30, 1998 (63 FR 35515), and March 22, 1999 (64 FR 13677) extending the date on which §§ 404.942 and 416.1442 would no longer be effective to July 1, 1998, to April 1, 1999, and then to April 1, 2000.

In order to continue to maximize our ability to meet our hearings production goals, we have decided to extend the date on which these rules will no longer be effective from April 1, 2000, to April 2, 2001. These final rules amend the sunset provisions in §§ 404.942 and 416.1442, which expressly provide for extending the expiration date of those sections. In both sections, we are extending the provisions authorizing prehearing proceedings and decisions by attorney advisors, so that such actions will no longer be effective on April 2, 2001. For the reasons explained below, we will not extend these rules beyond April 2, 2001. We are removing from the regulations the provision allowing us to further extend the rules.

The authorization for attorney advisors to conduct certain prehearing proceedings and to issue a wholly favorable decision arising from those proceedings was established as a temporary measure, and accordingly included a sunset provision. We used this authority to maximize our ability to meet our hearings production goals while we developed a comprehensive plan to improve the hearings process. The comprehensive plan is now ready to be implemented.

We published the plan, called the "Hearings Process Improvement Initiative" (SSA Pub. No. 01-016) in August 1999. The Report is available on SSA's website at www.ssa.gov, or by calling the Process Action Team at (410) 966-3972. Implementation of the plan will begin in 10 States in January 2000. By early 2001, the new procedures covered under the plan will be put into effect in all hearings offices across the country.

As a result, we are establishing a definite date when the authorization for attorney advisors to conduct certain prehearing proceedings and to issue a wholly favorable decision will end—no later than April 2, 2001. We expect the plan, once fully implemented, to result

in an overall 21% reduction in processing time for hearings, a 16% increase in productivity per workyear and better service to the public.

The attorney advisor procedure has contributed significantly in raising the number of dispositions of hearings cases we have been able to achieve. Last year, attorney advisors were responsible for disposing of 41,109 hearings. Therefore, we believe it is in the public interest to continue the procedure, subject to the sunset provision, until the Hearings Process Improvement Initiative is fully in place. We will begin phasing out the use of the attorney advisor procedure as implementation occurs, beginning in January 2000, and will cease using the procedure before April 2, 2001.

Regulatory Procedures

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), SSA follows the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the notice and public comment procedures in this case. Good cause exists because these rules only extend the date on which the regulatory provisions concerning prehearing proceedings and decisions by attorney advisors will no longer be effective. We believe these rules make no substantive change to those provisions. The current regulations expressly provide that the provisions may be extended. Therefore, opportunity for prior comment is unnecessary, and we are issuing these regulations as final rules.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, the rules are not subject to OMB review.

Regulatory Flexibility Act

We certify that these rules will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These rules impose no reporting or recordkeeping requirements which need to be cleared by OMB.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.006, Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI), Reporting and recordkeeping requirements.

Dated: August 26, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set out in the preamble, subpart J of part 404 and subpart N of part 416 of chapter III of title 20 of the Code of Federal Regulations are amended as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

Subpart J—[Amended]

1. The authority citation for subpart J of part 404 continues to read as follows:

Authority: Secs. 201(j), 204(f), 205(a), (b), (d)–(h), and (j), 221, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 401(j), 404(f), 405(a), (b), (d)–(h), and (j), 421, 425, and 902(a)(5)); 31 U.S.C. 3720A; sec. 5, Pub. L. 97-455, 96 Stat. 2500 (42 U.S.C. 405 note); secs. 5, 6(c)–(e), and 15, Pub. L. 98-460, 98 Stat. 1802 (42 U.S.C. 421 note).

2. Section 404.942 is amended by revising paragraph (g), to read as follows:

§ 404.942 Prehearing proceedings and decisions by attorney advisors.

* * * * *

(g) *Sunset provision.* The provisions of this section will no longer be effective on April 2, 2001.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—[Amended]

1. The authority citation for subpart N continues to read as follows:

Authority: Sec. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b); 31 U.S.C. 3720A.

2. Section 416.1442 is amended by revising paragraph (g), to read as follows:

§ 416.1442 Prehearing proceedings and decisions by attorney advisors.

* * * * *

(g) *Sunset provision.* The provisions of this section will no longer be effective on April 2, 2001.

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BILLING CODE 4190-29-P

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Interim final rule.

SUMMARY: The Agency is issuing regulation on the adoption of a fee sufficient for it to recover the full cost of its administrative processing of requests by program participants for an extension, change of category, or reinstatement of their program status. The Agency is also issuing regulation on the adoption of fees to recoup the cost of its administrative processing of requests for program designation and non-routine requests for the Form IAP-66 submitted by designated sponsors on an urgent or expedited basis.

EFFECTIVE DATES: This interim rule is effective January 1, 2000. The specified fee will be assessed for all extension, change of category, reinstatement, or program designation requests and non-routine requests for the Form IAP-66 post-marked after January 1, 2000. Written comments regarding this interim rule must be submitted on or before November 30, 1999.

ADDRESSES: Written comments should be submitted to: Public Comment Clerk, Office of General Counsel, United States Information Agency, 301 4th Street SW, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Sally Lawrence, Branch Chief, Program Designation Branch, Exchange Visitor Program Services, 301 4th Street, SW,

Washington, DC 20547; telephone (202) 401-9800.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Fulbright-Hays Act of 1961 (Pub. L. 87-256) the Agency administers the Exchange Visitor Program by facilitating the entry of over 200,000 program participants each year. The Exchange Visitor Program is a component of the public diplomacy efforts of the United States Government and fosters mutual understanding and peaceful relations between the United States and other countries through educational and cultural exchange activities. Program participants enter the United States in nonimmigrant J-visa status pursuant to sponsorship by an Agency-designated sponsoring organization.

Program participants are admitted into the United States to pursue specific program objectives such as training, undergraduate and post-graduate study, and medical residency programs. In order to maintain valid program status and thereby valid non-immigrant status, it is often necessary for program participants to request an extension of their program, a change of category for continued program participation, or reinstatement to valid program status. An organization that wishes to conduct and oversee an exchange visitor program and thereby obtain administrative authority to sponsor a non-immigrant alien's entry into the United States for the purpose of participation in such exchange program must request a designation from the Agency to do so.

Based upon the statutory and administrative authorities set forth below, the Agency has determined that its review of requests for an extension of program, change of category participation, or reinstatement to program status confers a specific benefit to the requesting individual. In similar fashion, a request for Agency designation as an exchange visitor program sponsor confers a specific benefit upon the requesting organization. Accordingly, a fee sufficient to recoup the costs of conferring these specific benefits is appropriate.

Legislative Authority

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (Pub. L. 105-119) authorizes the Agency to collect fees related to its provision of Exchange Visitor Program services. Specifically, this appropriations statute authorizes the Agency to charge a fee and recycle such monies by providing “* * * That not to exceed \$6,000,000, to remain available

until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from educational advising and counseling, and exchange visitor program services * * *.”

In adopting a fee for exchange visitor program services provided to the public, the Agency is also guided by the provisions of the Independent Offices Appropriations Act of 1952 (Pub. L. 82-137), 31 U.S.C. 9701. This statute permits an agency to prescribe regulations establishing the charge for a service or thing of value provided by the agency. Such regulations so adopted are subject to policies prescribed by the President. The statute directs that any charge adopted shall be (i) fair; and (ii) based on the costs to the Government, the value of the service to the recipient, the public policy or interest served, and other relevant facts. The Agency has determined that an application to the Agency for a waiver recommendation is a request for a service within the meaning of these statutes that confers a specific benefit upon an identifiable beneficiary. Further, the Agency also relies upon the decisions in *Auyda, Inc. v. Attorney General*, 661 F. Supp. 33 (1987); and *Engine Manufacturers Association v. E.P.A.*, 20 F.3d 1177 (1994) in adopting a fee for the review of such applications.

Finally, the Agency's adoption and implementation of a fee for review of requests for extensions, change of category, reinstatement, or program designation will be subject to the provisions of the Chief Financial Officers Act of 1990 (Pub. L. 101-576.) Section 205(a)(8) of this Act requires the Agency's Chief Financial Officer to “review, on a biennial basis, the fee, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value.” (31 U.S.C. 902(a)(8))

Office of Management and Budget Circular No. A-25

Pursuant to Circular No. A-25, The Office of Management and Budget (OMB) has established the Federal policy governing fees assessed for Government services and for the sale or use of Government goods or resources. OMB Circular No. A-25 sets forth the general policy that a “user charge * * *