

for dispensing with a delayed effective date.

Executive Order 12866

This document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Drafting Information

The principal author of this document was Francis W. Foote, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Taxes, User fees, Wages.

Amendment to the Regulations

For the reasons stated in the preamble, part 24 of the Customs Regulations (19 CFR Part 24) is amended as set forth below.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The authority citation for part 24 continues to read in part as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58a–58c, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1450, 1624; 31 U.S.C. 9701.

* * * * *

§ 24.33 [Amended]

2. In § 24.23, paragraph (c)(5) is amended by removing the words "the effective date of a determination made under section 112 of the Customs and Trade Act of 1990" and adding, in their place, the words "September 16, 1998 (the effective date of a determination published in the **Federal Register** on September 1, 1998, under section 112 of the Customs and Trade Act of 1990)".

Approved: November 18, 1998.

Raymond W. Kelly,
Commissioner of Customs.

John P. Simpson,
Deputy Assistant Secretary of the Treasury.
[FR Doc. 98–34334 Filed 12–24–98; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 401 and 402

[Docket No. FR–4298–C–05]

RIN 2502–AH09

Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark-to-Market) and Renewal of Expiring Section 8 Project-Based Assistance Contracts; Technical Corrections

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule; technical corrections.

SUMMARY: On September 11, 1998, HUD published an interim rule implementing the Mark-to-Market Program and the statutory provisions for renewals of section 8 project-based assistance contracts expiring in Fiscal Year 1999 or later. On October 15, 1998, HUD published a first correction to the interim rule to correct the Internet address given for submitting public comments. This second correction to the interim rule addresses additional matters that were in error when the interim rule was published and in need of correction. This document also corrects one provision of the interim rule as well as preamble language that needs correction because of a change in authorizing legislation since issuance of the interim rule.

EFFECTIVE DATE: December 28, 1998.

FOR FURTHER INFORMATION CONTACT: Dan Sullivan, Department of Housing and Urban Development, 451 7th St., Washington DC 20410. Telephone: 202–708–3555. (This is not a toll-free number.) For hearing- and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On September 11, 1998 (63 FR 48926), HUD published an interim rule implementing the Mark-to-Market Program and the statutory provisions for renewals of section 8 project-based assistance contracts expiring in Fiscal Year 1999 or later. The purpose of this program is to preserve low-income rental housing affordability while reducing the long-term costs of Federal rental assistance, including project-based assistance, and minimizing the adverse effect on the FHA insurance funds. The program is authorized by the Multifamily Assisted Housing Reform and Affordability Act of 1997, title V of Pub. L. 105–65 (approved October 27, 1997) (MAHRA).

Corrections Based on Original Legislation (MAHRA)

HUD is making the following corrections based on the MAHRA:

- Several changes are made to the preamble and the rule to eliminate conflicts between the preamble description of the rule and the actual rule text (see corrections 2, 3, and 24).
- Several erroneous or incomplete cross-references in the preamble and the interim rule are corrected (see corrections 3, 7, 12, 17, 19, 20, 21, 22, 25, and 28).
- Repetitive or erroneous extraneous language is removed in various places in the preamble and the interim rule text to provide simplicity and clarity (see corrections 5, 6, 8, 10, and 13).
- One incorrect date in the rule text is corrected (see correction 16).

Corrections Based on Recent Legislation (Pub. L. 105–276)

In addition to the corrections described above, other provisions of the interim rule, although correct when published, now require correction because of the subsequent enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Pub.L. 105–276 (approved October 21, 1998). Section 597(a)(2) of Pub.L. 105–276 amended MAHRA to change the required methodology for determining restructured rents for certain section 8 moderate rehabilitation projects under the Mark-to-Market Program. This statutory change therefore requires a corresponding change to § 402.5(b)(3) of the interim rule and the applicable preamble discussion. We have made this correction (see corrections 13 and 27).

In the preamble to the interim rule, HUD referred to one pending provision of MAHRA which ultimately was not included in Pub.L. 105–276. The pending provision would have amended section 515(h) of MAHRA to limit the exclusion of projects with State or local primary financing from the Mark-to-Market program. We have corrected the preamble by removing the two sentences that contained reference to the pending provision (see correction 1).

Other relevant provisions of the Pub.L. 105–276 will require corrective rule changes in the future. These changes, however, are not appropriate for a technical correction. Those provisions are as follows.

1. Section 549(a) and (b) of Pub.L. 105–276 removed the requirement of section 8(c)(8) of the United States Housing Act of 1937 ("the 1937 Act") for owner notice to tenants of rent

increases, and amended the requirement of section 8(c)(9) of that Act (now redesignated as section 8(c)(8) for owner notice to tenants and HUD of section 8 contract termination. Both provisions are referenced in §§ 401.602 and 402.8 of the interim rule and discussed in the preamble. Rule references to the notice required by former section 8(c)(8) should be considered superseded by section 549. Rule changes will be needed to respond to the amendment of former section 8(c)(9) (now section 8(c)(8)) but the subject is too complex to be addressed fully in this correction. We will make appropriate changes in the final rule. In this document, we remove some preamble discussion that is incorrect under the current law (see corrections 11 and 15).

2. Section 549(c) of Pub.L. 105-276 added a new final sentence to section 514(d) of MAHRA regarding an additional owner notice requirement and restrictions on rent increases or evictions. This matter is also complicated and will be addressed in the final rule instead of this correction.

3. Section 599 of Pub.L. 105-276 amended section 202 of the Housing and Community Amendments of 1978, concerning tenant participation in certain multifamily housing projects, to apply to all projects with project-based assistance or section 8 enhanced ("sticky") vouchers under the Mark-to-Market Program. Tenant participation under section 202 is the subject of 24 part 245. We have begun a separate proposed rulemaking procedure to amend part 245 to reflect section 599 and to make other changes.

Accordingly, FR Doc. 98-242840, Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark-to-Market) and Renewal of Expiring Section 8 Project-Based Assistance Contracts (FR-4298-I-01), published in the **Federal Register** on September 11, 1998 (63 FR 48926), is corrected as follows:

A. Corrections to the Preamble

1. On page 48929, first column, the second and third sentences of the first full paragraph are removed.

2. On page 48931, second column, the second to the last sentence of the first full paragraph, the following language is added immediately after the reference to § 401.453—"and the poor condition of the project is not likely to be remedied in a cost-effective manner through the Restructuring Plan."

3. On page 48932, the last sentence in the first column, which continues to the second column, is corrected to read "An owner should also follow this guidance when making a preliminary certification

of eligibility under § 401.99 and a comparable market analysis under § 402.6(a)(1)."

4. On page 48933, first column, in the first sentence of the first full paragraph, the words "covered by a PRA" are added immediately after the word "units".

5. On page 48933, second column, the fourth full sentence is removed, and the third full sentence is revised to read as follows: "In addition, the PAE must consider the other matters listed in section 515(c)(2)(B) of MAHRA to be assessed as part of the Plan, and the applicable Consolidated Plan developed under 24 CFR part 91."

6. On page 48933, third column, in the fourth sentence of the first full paragraph, the number "35" is removed.

7. On page 48934, second column, in the second sentence of the third full paragraph, the reference to "517(b)(3)" is corrected to read "517(b)(2)". On page 48934, second column, in the first sentence of the fourth full paragraph, the reference to "401.700" is corrected to read "401.310".

8. On page 48935, first column, in the first sentence under the heading "Section 401.471 HUD Payment of Section 541(b) Claim," the words "or HUD-held" are removed.

9. On page 48935, second column, in the first full sentence, the word "than" is corrected to read "that".

10. On page 48937 in the preamble, first column, in the fourth sentence under the heading "Section 401.500 Required Notices to Third Parties; Section 401.501 Who Is Entitled to Receive Notices Under § 401.500?", the term "by the owner" is removed.

11. On page 48937 in the preamble, second column, the second sentence in the second full paragraph which begins with the phrase "In particular * * *" is removed.

12. On page 48938 in the preamble, second column, in the first paragraph under the heading "Section 401.602 Tenant Protections if an Expiring Contract is Not Renewed," the regulatory references in the last sentence of that paragraph are corrected as follows: "§ 401.101 or 401.403" is corrected to read "§§ 401.101, 401.403, or 401.405".

13. On page 48939 in the preamble, third column, the parenthetical statement that follows numbered paragraph (5) is corrected by removing the phrase "as explained in Part II of this Supplementary Information under § 401.100".

14. On page 48940 in the preamble, first column, the language in the first partial paragraph that follows the designation "(3)" is corrected to read as

follows: "(3) in the case of a contract under the section 8 moderate rehabilitation program (other than for a single room occupancy dwelling), the lesser of existing rents adjusted by an OCAF, fair market rents (less any amounts allowed for tenant-purchased utilities), or comparable market rents."

15. On page 48940 of the preamble, second column, the entire discussion under the heading "Section 402.8 Tenant Protections if an Expiring Contract is not Renewed" is corrected to read as follows: "Section 402.8 discusses notices that an owner must give when an expiring contract is not renewed, and the consequences of failure to give notice, in a manner similar to § 402.6. Both sections will be revised in the final rule to reflect recent legislation that deleted former section 8(c)(8) of the United States Housing Act of 1937 and amended section 8(c)(9) of that Act (now redesignated as section 8(c)(8))."

B. Corrections to the Rule

§ 401.99 [Corrected]

16. On page 48944, third column, in § 401.99(b), introductory text, "January 1" is corrected to read "January 13".

§ 401.100 [Corrected]

17. On page 48944, third column, in § 401.100, the heading—"General eligibility."—for the introductory paragraph is removed.

§ 401.201 [Corrected]

18. On page 48945, first column, in § 401.201, the term "State Housing Finance Agencies" in § 401.201(b) is corrected to read "State housing finance agencies".

§ 401.301 [Corrected]

19. On page 48945, first column, in § 401.300, the reference to "401.309" is corrected to read "401.314".

§ 401.400 [Corrected]

20. On page 48947, first column, in § 401.400(b), "Section 514" is corrected to read "section 514(e)".

§ 401.403 [Corrected]

21. On page 48947, second column, in § 401.403(b)(2), the words "and (b)" are removed.

§ 401.411 [Corrected]

22. On page 48948, second column, in § 401.411(a), the reference to "514(g)" is corrected to read "514(g)(2)".

§ 401.461 [Corrected]

23. On page 48950, second column, in § 401.461(b)(4), the phrase "or the owner" is corrected to read "or if the owner".

§ 401.472 [Corrected]

24. On page 48950, third column, in § 401.472(a)(1), the phrase "residual receipts account, surplus cash account, residual receipts account" is corrected to read "residual receipts account, surplus cash account, replacement reserve account".

§ 401.552 [Corrected]

25. On page 48952, second column, in § 401.552, the reference to "401.461(b)(2)" is corrected to read "401.461(b)(3)(ii)(A)".

§ 402.1 [Corrected]

26. On page 48954, first column, in § 402.1, the word "eligible" is added immediately before the word "projects" in the second sentence of that section.

§ 402.5 [Corrected]

27. On page 48954, second column, § 402.5(c)(3) is corrected to read: "In the case of a contract under the section 8 moderate rehabilitation program (other than single room occupancy dwellings under section 441 of the Stewart B. McKinney Homeless Assistance Act), the lesser of existing rents adjusted by an OCAF, fair market rents (less any amounts allowed for tenant-purchased utilities), or comparable market rents."

§ 402.6 [Corrected]

28. On page 48954, third column, in § 402.6(b), the reference to "§ 401.4 or § 401.5(b)(2)" is corrected to read "§ 402.4 or § 402.5(b)(2)".

Dated: December 21, 1998.

Camille E. Acevedo,

Assistant General Counsel for Regulations.

[FR Doc. 98-34314 Filed 12-24-98; 8:45 am]

BILLING CODE 4210-32-P

POSTAL SERVICE**39 CFR Part 111****Expansion of Location-Based Post Office Box Fees**

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Domestic Mail Manual is amended to expand the application of location-based fees for post office box service to include specified facilities. The facility-specific fees place greater emphasis on the space cost and utilization of post office box service at individual locations.

EFFECTIVE DATE: January 10, 1999.

FOR FURTHER INFORMATION CONTACT: John Dorsey (202) 268-3295.

SUPPLEMENTARY INFORMATION: Fees for post office box service are scheduled to change on January 10, 1999 as a consequence of the omnibus rate case, Postal Rate Commission (PRC) Docket No. R97-1. This final rule announces changes in fee groups for specific facilities which will also take effect on that date.

Postal Service testimony in that case (USPS-RT-19, which rebutted testimony filed by the PRC's Office of the Consumer Advocate) set forth a means of redefining post office box fee groups to reflect space costs and capacity utilization. Comprehensive information necessary to effectuate the redefinition nationwide was not then available; in keeping with the PRC's suggestion, that information is now being developed.

The Postal Service testimony contemplated changing the fee group assignment of 80 facilities among fee groups A, B, C, and D. Consistent with this testimony, however, the Postal Service has decided to avoid changes between fee groups C and D because of the large fee difference between these groups, and the fact that, on average, group D fees do not cover costs. Using improved data and additional analysis, the Postal Service has identified 29 offices for fee group reassignment among fee groups A, B, and C. These 29 offices meet cost and utilization criteria for transfer among fee groups A, B, and C. In fee groups A and B, facilities being transferred to the next lower fee group incur rental costs lower than \$17/square foot and have box utilization of less than 75%. In fee groups C and B, facilities being transferred to the next higher fee group incur rental costs

exceeding \$30/square foot and have box utilization above 90%. Baseline costs and usage measurement have been validated and will be monitored following implementation to assess impact on customer activity. In addition, 58 "control" facilities in neighboring areas will be monitored to serve as a benchmark against which to measure activity in the affected facilities.

This amendment expands the current location-based fee groupings to include 29 specified facilities. Data gathered on the impact of these changes will help guide development of a redesigned fee structure. The new fee group assignments for these offices do not change existing fee assignments for selected ZIP Code areas currently designated for Fee Groups A and B.

List of Subjects in 39 CFR Part 111**PART 111—[AMENDED]**

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. Revise the following sections of the Domestic Mail Manual which is incorporated by reference in the Code of Federal Regulations (See 39 CFR Part 111) as set forth below:

Domestic Mail Manual (DMM)

D Deposit, Collection and Delivery

* * * * *

D900 Other Delivery Services

* * * * *

D910 Post Office Box Service

* * * * *

5.0 Fee Group Assignments

* * * * *

5.3 Location-Based Fees

[Revise to 5.3 to read as follows:]

The facilities defined by the ZIP Codes in Exhibit 5.3A, and by name in Exhibit 5.3B, constitute exceptions to the fee groupings described in 5.1 and 5.2. Group A, B, or C fees apply as identified.

[Re-number current Exhibit 5.3 as Exhibit 5.3a. Add new Exhibit 5.3b as follows:]

EXHIBIT 5.3B.—LOCATION-BASED BOX FEES BY LOCATION

Group	Facility name	Address
A	Wellesley Hills	337 Washington Street, Wellesley, MA 02181.
	Neptune	532 Neptune Avenue, Brooklyn, NY 11224.
	Will Rogers	1217 Wilshire Boulevard, Santa Monica, CA 90403.
	North Beach	1640 Stockton Street, San Francisco, CA 94133.
B	Prudential Center	800 Boylston Street, Boston, MA 02199.
	Charles Street	136 Charles Street, Boston, MA 02114.
	Cos Cob	152 E. Putnam Avenue, Cos Cob, CT 06807.
	Glenville	25 Glen Ridge Road, Greenwich, CT 06831.
	Englewood Cliffs	650 E. Palisade Avenue, Englewood Cliffs, NJ 07632.