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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

RIN 0584-AC74

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Local Agency Expenditure Reports

AGENCY: Food and Nutrition Service, USDA.

ACTION: Direct final rule.

SUMMARY: This direct final rule amends the regulations for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to give State agencies greater flexibility in the way they collect expenditure data from local agencies. State agencies will be allowed to permit local agencies to submit expenditure reports up to quarterly, rather than monthly as is currently required. This rule responds to a recommendation suggested by some State agencies and is intended to allow State agencies to streamline program administration.

DATES: This rule will become effective on January 24, 2000, unless we receive written adverse comments or notices of intent to submit adverse comments postmarked on or before December 9, 1999.

ADDRESSES: Comments should be sent to Patricia N. Daniels, Director, Supplemental Food Program Division, Food and Nutrition Service, U.S. Department of Agriculture, Park Office Center, Room 540, 3101 Park Center Drive, Alexandria, VA 22302-1594. All written submissions will be available for public inspection at this address during normal business hours (8:30 a.m. to 5 p.m., Mondays through Fridays).

FOR FURTHER INFORMATION CONTACT: Debbie McIntosh at the above address or telephone (703) 305-2710.

SUPPLEMENTARY INFORMATION:

Background

What is the Current Requirement for Reporting Expenditures?

Under the WIC Program, we provide funds to State agencies to pay for the food costs and nutrition services and administration (NSA) costs incurred by the State agencies and their local agencies. We distribute these funds to State agencies pursuant to the funding formulas at 7 CFR 246.16. Section 246.16(d) requires State agencies to provide to local agencies all funds made available by the Department, except those funds necessary for allowable State agency NSA costs and food costs paid directly by the State agency. Section 246.16(d) further requires State agencies to distribute the funds based on claims submitted at least monthly by the local agency.

How Does This Direct Final Rule Change the Reporting Requirement?

Some State agencies are experimenting with ways to streamline program administration. Among the suggestions we have received is a recommendation to permit local agency NSA expenditure reports to be filed quarterly, instead of monthly. State agencies have pointed out that many other Federal programs use quarterly reporting. Accordingly, we have decided to change the WIC regulations on this point.

Under this change, State agencies may permit local agencies to submit their expenditure reports quarterly. State agencies may require more frequent reports if they wish. A parallel change is made to the current requirement that State agencies offset advances against incoming claims each month. Instead, offset is required as the claims are submitted. This accommodates whatever reporting period a State agency chooses.

Does This Change Affect Local Agency Reports of Food Cost Expenditures?

This change would apply to local agency reports of both NSA expenditures and food cost expenditures. The primary effect of this change would be for NSA expenditure reports, because in most State agencies the food costs are paid by the State agency rather than the local agencies. However, this rule does extend State

agencies the same flexibility in setting the reporting period for food cost reports by local agencies. If a State agency chooses to permit bimonthly or quarterly reporting of food cost expenditures, the food costs must still be broken down by month within the reporting period.

Why Is This a Direct Final Rule?

The Department has decided to promulgate this change as a direct final rule in light of its noncontroversial nature and in order to give State agencies this option as quickly as possible. Readers should refer to our policy statement on the use of direct final rules (October 23, 1997, 52 FR 55141) for a description of the direct final rulemaking process. If we receive timely adverse comments or notices of intent to submit adverse comments within the scope of this rulemaking, we will publish timely notification of withdrawal of this rule in the **Federal Register**.

Executive Order 12866

This direct final rule has been determined to be not significant for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The Administrator of the Food and Nutrition Service (FNS) has certified that this action will not have a significant economic impact on a substantial number of small entities. While procedures in this rulemaking will affect State and local agencies that administer the WIC Program, any economic effect will not be significant.

Unfunded Mandate Reform Act of 1995

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Public Law 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, FNS 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, or tribal governments, in the aggregate, or

to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector of \$100 million or more in any one year. Thus, this direct final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance under 10.557. For the reasons set forth in 7 CFR Part 3015, Subpart V and the final rule-related notice published at 48 FR 29115, June 24, 1983, this program is included in the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Paperwork Reduction Act of 1995

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The existing recordkeeping and reporting requirements, which were approved by OMB under control number 0584-0045, will not change as a result of this final rule.

Executive Order 12988

This direct final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the **EFFECTIVE DATE** section of the preamble. Prior to any judicial challenge to the application of the provisions of this rule, all applicable administrative procedures must be exhausted.

List of Subjects in 7 CFR Part 246

Administrative practice and procedure, Civil rights, Food assistance programs, Food and Nutrition Service, Food donations, Grant programs—health, Grant programs—social programs, Indians, Infants and children, Maternal and child health, Nutrition, Nutrition education, Penalties,

Reporting and recordkeeping requirements, Public assistance programs, WIC, Women.

Accordingly, 7 CFR Part 246 is amended as follows:

PART 246—SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

1. The authority citation for Part 246 continues to read as follows:

Authority: 42 U.S.C. 1786.

§ 246.16 [Amended]

2. In § 246.16, amend the introductory text of paragraph (d) as follows:

a. in the second sentence, remove the word “monthly” and add in its place the word “quarterly”;

b. in the third sentence, remove the words “each month” and add in their place the words “as they are submitted”.

Dated: October 29, 1999.

Samuel Chambers, Jr.,
Administrator, Food and Nutrition Service.
[FR Doc. 99-29319 Filed 11-8-99; 8:45 am]

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FEDERAL HOUSING FINANCE BOARD

12 CFR Part 905

[No. 99-54]

RIN 3069-AA81

Availability of Unpublished Information

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is adopting without change as a final rule the interim final rule that added a new part 905 to its regulations governing the availability of unpublished information. The final rule describes the procedures a person or entity must follow when requesting unpublished Finance Board information either by document or by testimony of current or former Finance Board employees or agents and the practices and procedures the Finance Board will use in responding to such requests.

EFFECTIVE DATE: The final rule will become effective on December 9, 1999.

FOR FURTHER INFORMATION CONTACT:

Janice A. Kaye, Attorney-Advisor, Office of General Counsel, by telephone at 202/408-2505, by electronic mail at kayej@fhfb.gov, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Background

In August 1999, the Finance Board published an interim final rule with request for comments that added a new part 905 to its regulations. See 64 FR 44103 (August 13, 1999), *codified* at 12 CFR part 905. Part 905 establishes procedures that must be followed by persons or entities requesting unpublished Finance Board information either by document or by testimony of current or former Finance Board employees or agents, and practices and procedures the Finance Board will use in responding to such requests. The 60-day public comment period for the interim final rule closed on October 12, 1999. See *id.*

II. Analysis of Public Comments and the Final Rule

The Finance Board received no comments in response to the interim final rule. Thus, for the reasons set forth in detail in the interim final rulemaking, the Finance Board is adopting the interim final rule that added part 905 to govern the availability of unpublished information as a final rule without change.

III. Regulatory Flexibility Act

The Finance Board adopted part 905 in the form of an interim final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply. See 5 U.S.C. 601(2) and 603(a).

IV. Paperwork Reduction Act

The final rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. See 44 U.S.C. 3501 *et seq.* Consequently, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects in 12 CFR Part 905

Confidential business information, Federal home loan banks, Freedom of information, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Finance Board hereby adopts the interim final rule adding 12 CFR part 905 that was published at 64 FR 44103 on August 13, 1999, as a final rule without change.

By the Board of Directors of the Federal Housing Finance Board.

Dated: November 1, 1999.

Bruce A. Morrison,
Chairperson.

[FR Doc. 99-29245 Filed 11-8-99; 8:45 am]

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