

# Proposed Rules

Federal Register

Vol. 69, No. 84

Friday, April 30, 2004

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1792

RIN 0572-AB74

#### Seismic Safety

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Rural Utilities Service (RUS), an agency delivering the United States Department of Agriculture's Rural Development Utilities Programs is amending its regulations to update the seismic safety requirements of the agency. These amendments will provide RUS borrowers, grant recipients, Rural Telephone Bank (RTB) borrowers, and the public with updated rules for compliance with seismic safety requirements for new building construction using RUS or RTB loan, grant or guaranteed funds or funds provided through lien accommodations or subordinations approved by RUS or RTB.

In the final rules section of this **Federal Register**, RUS is publishing this action as a direct final rule without prior proposal because RUS views this as a non-controversial action and anticipates no adverse comments. If no adverse comments are received in response to the direct final rule, no further action will be taken on this proposed rule and the action will become effective at the time specified in the direct final rule. If RUS receives adverse comments, a timely document will be published withdrawing the direct final rule and all public comments received will be addressed in a subsequent final rule based on this action.

**DATES:** Comments on this proposed action must be received by RUS via facsimile transmission or carry a postmark or equivalent no later than June 1, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Agency Web Site:** <http://www.usda.gov/rus/index2/Comments.htm>. Follow the instructions for submitting comments.

- **E-mail:** [RUSComments@usda.gov](mailto:RUSComments@usda.gov). Include in the subject line of the message "Seismic Safety".

- **Mail:** Addressed to Richard Annan, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1522, Washington, DC 20250-1522.

- **Hand Delivery/Courier:** Addressed to Richard Annan, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 5168 South Building, Washington, DC 20250-1522.

**Instructions:** All submissions received must include that agency name and the subject heading "Seismic Safety." All comments received must identify the name of the individual (and the name of the entity, if applicable) who is submitting the comment. All comments received will be posted without change to <http://www.usda.gov/rus/index2/Comments.htm>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald Heald, Structural Engineer, Transmission Branch, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1569, Washington, DC 20250-1569. Telephone: (202) 720-9102. Fax: (202) 720-7491.

**SUPPLEMENTARY INFORMATION:** See the **SUPPLEMENTARY INFORMATION** provided in the direct final rule located in the Rules and Regulations direct final rule section of this **Federal Register** for the applicable **SUPPLEMENTARY INFORMATION** on this action.

Dated: April 15, 2004.

**Hilda Gay Legg,**

*Administrator, Rural Utilities Service.*

[FR Doc. 04-9612 Filed 4-29-04; 8:45 am]

BILLING CODE 3410-15-P

## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

#### Rural Business Cooperative Service

#### Rural Utilities Service

#### Farm Service Agency

#### 7 CFR Part 1951

RIN 0575-AC57

#### Servicing of Delinquent Community and Business Programs Loans—Workout Agreements

**AGENCY:** Rural Housing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Rural Housing Service (RHS) proposes to amend the regulations utilized to service the Community Facilities and Business Programs loan program by adding requirements for servicing delinquent Community Facilities in conformance with the Debt Collection Improvement Act of 1996. The intended effect of this action is to establish a workout agreement with delinquent borrowers to collect delinquent loans prior to referral for treasury offset.

**DATES:** Written or e-mail comments must be received on or before June 29, 2004.

**ADDRESSES:** You may submit comments to this rule by any of the following methods:

- **Agency Web site:** <http://rdinit.usda.gov/regs/>. Follow instructions for submitting comments on the Web site.

- **E-Mail:** [comments@usda.gov](mailto:comments@usda.gov). Include the RIN Number in the subject line of the message.

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Mail:** Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, STOP 0742, 1400 Independence Avenue, SW., Washington, DC 20250-0742.

- **Hand Delivery/Courier:** Submit written comments via Federal Express Mail or another courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department

of Agriculture, 300 7th Street, SW., 7th Floor, Washington, DC 20024.

All written comments will be available for public inspection during regular work hours at the 300 7th Street, SW., 7th Floor, address listed above.

**FOR FURTHER INFORMATION CONTACT:** Dan Spieldenner, Community Programs Senior Loan Specialist, Rural Housing Service, U.S. Department of Agriculture, STOP 0787, 1400 Independence Ave., SW., Washington, DC 20250-0787, telephone: (202) 720-9700.

**SUPPLEMENTARY INFORMATION:**

**Classification**

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

**Programs Affected**

The Catalog of Federal Domestic Assistance Program impacted by this action is 10.766, Community Facilities Loans and Grants.

**Intergovernmental Review**

This program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. RHS conducts intergovernmental consultations for each loan in the manner delineated in 7 CFR part 3015, subpart V.

**Civil Justice Reform**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with this 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 this rule; and (3) administrative proceedings of the National Appeals Division (7 CFR part 11) must be exhausted before bringing suit in court challenging action taken under this rule.

**Environmental Impact Statement**

The action has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." The Agency has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, an Environmental Impact Statement is not required.

**Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C.

chapters 17A and 25, established 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, RHS 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 1 year. When such a statement is needed for a rule, section 205 of the UMRA generally requires RHS 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. 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. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

**Regulatory Flexibility Act**

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program.

**Federalism**

The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

**Implementation**

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall comply with 5 U.S.C. 553, notwithstanding the exemption of that section with respect to such rules.

**Paperwork Reduction Act**

The information collection and record keeping requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and were assigned OMB

control number 0575-0066 in accordance with the Paperwork Reduction Act of 1995. Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. The revisions in this rulemaking for part 1951 will require an amendment to the burden package and this modification will be made when the final rule is promulgated.

**Discussion**

The Debt Collection Improvement Act of 1996 requires transfer of accounts that are more than 180 days delinquent to the Department of Treasury for collection by offset of Federal payments unless a suitable agreement for collection of the delinquent amount is negotiated between the borrower and the Federal agency. This change to regulation establishes requirements for negotiation of a "Workout Agreement" and the reporting requirements that are necessary to monitor the borrower's progress in resolving the delinquency. It also incorporates some administrative corrections.

**List of Subjects in 7 CFR Part 1951**

Accounting servicing, Grant programs—housing and community development, Reporting requirements, Rural areas.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations, is proposed to be amended as follows:

**PART 1951—SERVICING AND COLLECTIONS**

1. The authority citation for part 1951 continues to read as follows:

**Authority:** 5 U.S.C. 301; 7 U.S.C. 1932; 7 U.S.C. 1989; 31 U.S.C. 3716; 42 U.S.C. 1480.

**Subpart E—Servicing of Community and Direct Business Programs Loans and Grants**

2. Section 1951.203 is amended by revising paragraph (a) to read as follows:

**§ 1951.203 Definitions.**

(a) *Approval official.* An official who has been delegated loan and/or grant approval authorities within applicable programs, subject to the dollar limitations of Exhibits A and B of subpart A of part 1901 of this chapter.

\* \* \* \* \*

3. Section 1951.222 is amended by revising paragraph (a)(1) to read as follows:

**§ 1951.222 Subordination of security.**

\* \* \* \* \*

(a) \* \* \*

(1) The request must be for subordination of a specific amount of the Rural Development indebtedness, and the amount must be within the approval official's authority as set forth in exhibits A and B of subpart A of part 1901 of this chapter (available in any Rural Development office).

\* \* \* \* \*

4. Section 1951.226 is amended in paragraph (b)(4)(ii) by removing the word "below" and adding in its place the phrase "of this subpart."

5. Section 1951.230 is amended in paragraph (f)(2) by removing the phrase "Form FmHA or its successor agency under Public Law 103-354 442-46" and adding in its place the phrase "Form RD 1942-46."

6. Section 1951.242 is added to read as follows:

**§ 1951.242 Servicing delinquent Community Facility loans.**

(a) For the purpose of this section, a loan is delinquent when a borrower fails to make all or part of a payment by the due date.

(b) The delinquent loan borrower and the Agency, at its discretion, may enter into a written workout agreement.

(c) For loans that are delinquent, the borrower must provide, monthly comparative financial statements in a format that is acceptable to the Agency by the 15th day of the following month. The Agency may waive this requirement if it would cause a hardship for the borrower or the borrower is actively marketing the security property.

7. Section 1951.250 is amended by removing the last sentence.

Dated: April 15, 2004.

**James E. Selmon, III,**

*Acting Administrator, Rural Housing Service.*

[FR Doc. 04-9787 Filed 4-29-04; 8:45 am]

BILLING CODE 3410-XV-P

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### 10 CFR Part 430

#### Energy Conservation Program for Consumer Products and Commercial and Industrial Equipment

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of public meeting and availability.

**SUMMARY:** The Department of Energy (DOE or Department) will hold an informal public meeting to discuss the

priorities of the existing program and any possible expansion of the scope of the program to include additional consumer products and commercial and industrial equipment for either standards or voluntary programs. The Department is interested in receiving suggestions on the criteria, data, and analysis methods it should use to reach decisions on these issues, and comments on the FY 2005 Preliminary Priority-Setting Summary Report and Actions Proposed which includes data sheets for potential new products, revised data sheets for existing products, the FY 2005 Technical Support Document (TSD), and actions proposed.

**DATES:** The Department will hold a public meeting on Wednesday, June 9, 2004, from 9 a.m. to 4 p.m. Please submit written comments by Friday, July 9, 2004.

**ADDRESSES:** The meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 1E-245, 1000 Independence Avenue, SW., Washington, DC 20585. (Please note that foreign nationals visiting DOE headquarters are subject to advance security screening procedures. If you are a foreign national and wish to participate in the meeting, please inform DOE of this fact as soon as possible by contacting Ms. Brenda Edwards-Jones at (202) 586-2945 to complete the necessary procedures.)

The Department placed on the DOE Web site at [http://www.eere.energy.gov/buildings/appliance\\_standards/](http://www.eere.energy.gov/buildings/appliance_standards/) the FY 2005 Preliminary Priority-Setting Summary Report and Actions Proposed containing the new data sheets, the FY 2005 TSD, and a letter discussing the proposed prioritization for FY 2005 which lists the priority for standards and test procedure rulemakings for products that are currently mandated by statute and possible new products that have been identified by various stakeholders or included in proposed legislation.

Written comments are welcome, especially following the meeting. The Department will accept comments, data, and information regarding this priority-setting no later than the date provided in the **DATES** section.

You may submit comments, identified for the FY 2005 Appliance Standards Prioritization, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **E-mail:** [prioritysetting2005@ee.doe.gov](mailto:prioritysetting2005@ee.doe.gov). Include FY 2005 Appliance Standards

Prioritization in the subject line of the message.

- **Mail:** Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, FY 2005 Appliance Standards Prioritization, 1000 Independence Avenue, SW., Washington, DC, 20585-0121. Telephone: (202) 586-2945. Please submit one signed paper original.

- **Hand Delivery/Courier:** Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, Room 1J-018, 1000 Independence Avenue, SW., Washington, DC, 20585.

**Instructions:** All submissions received must include the agency name and reference the FY 2005 Appliance Standards Prioritization. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or text (ASCII) format file; avoid the use of special characters or any form of encryption; and, wherever possible, include the electronic signature of the author. If you don't include an electronic signature, you must authenticate comments by thereafter submitting the signed original paper document. No telefacsimiles (telefaxes) will be accepted.

**Docket:** For access to the docket to read background documents or comments received, go to the U.S. Department of Energy, Forrestal Building, Room 1J-018 (Resource Room of the Building Technologies Program), 1000 Independence Avenue, SW., Washington, DC, (202) 586-9127, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards-Jones at the above telephone number for additional information regarding visiting the Resource Room. Please note: The Department's Freedom of Information Reading Room (formerly Room 1E-190 at the Forrestal Building) is no longer housing rulemaking materials.

#### FOR FURTHER INFORMATION CONTACT:

Barbara Twigg, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-9611, e-mail:

[Barbara.Twigg@ee.doe.gov](mailto:Barbara.Twigg@ee.doe.gov); or Francine Pinto, Esq., or Thomas DePriest, Esq., U.S. Department of Energy, Office of General Counsel, GC-72, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507, e-mail: [Francine.Pinto@hq.doe.gov](mailto:Francine.Pinto@hq.doe.gov), or [Thomas.DePriest@hq.doe.gov](mailto:Thomas.DePriest@hq.doe.gov), respectively.

**SUPPLEMENTARY INFORMATION:** In May 2001, the National Energy Policy Development Group reported a National