

The Regulatory Flexibility Act

Pursuant to section 605 of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule, and the Assistant Secretary for Consular Affairs hereby certifies that it is not expected to have a significant economic impact on a substantial number of small entities.

E.O. 12988 and E.O. 12866

The Department has reviewed this rule as required under E.O. 12998 and determined it to be in compliance therewith. This rule is exempt from review under E.O. 12866, but the Department has reviewed the rule internally to ensure consistency therewith. The rule does not directly or indirectly affect states or local governments or Federal relationships and does not create unfunded mandates.

5 U.S.C. Chapter 8

As required by 5 U.S.C., chapter 8, the Department has screened this rule and determined that it is not a major rule, as defined in 5 U.S.C. 80412.

Paperwork Reduction Act

This rule imposes no paperwork requirements.

List of Subjects in 22 CFR Parts 41 and 42

Aliens, Immigrants, Nonimmigrants, Passports and visas, Waivers.

In view of the foregoing, the Department amends 22 CFR parts 41 and 42 as follows:

PART 41—[AMENDED]

1. The authority citation for part 41 continues to read as follows:

Authority: 8 U.S.C. 1104.

2. Amend § 41.2 to revise paragraph (j) to read as follows:

§ 41.2 Waiver by Secretary of State and Attorney General of passport and/or visa requirements for certain categories of nonimmigrants.

* * * * *

(j) Except as provided in paragraphs (a) through (i) and (k) through (m) of this section, all aliens are required to present a valid, unexpired visa and passport upon arrival in the United States. An alien may apply for a waiver of the visa and passport requirement if, either prior to the alien's embarkation abroad or upon arrival at a port of entry, the responsible district director of the Immigration and Naturalization Service (INS) in charge of the port of entry concludes that the alien is unable to present the required documents because of an unforeseen emergency. The INS

district director may grant a waiver of the visa or passport requirement pursuant to INA 212(d)(4)(A), without the prior concurrence of the Department of State, if the district director concludes that the alien's claim of emergency circumstances is legitimate and that approval of the waiver would be appropriate under all of the attendant facts and circumstances.

* * * * *

§ 41.114 [Removed]

3. Remove § 41.114.

PART 42—[AMENDED]

4. The authority citation for part 42 continues to read as follows:

Authority: 8 U.S.C. 1104.

§ 42.72 [Amended]

5. Amend § 42.72, paragraph (e)(4) by deleting the word "no" in the first sentence.

Dated: April 30, 1999.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 99-13537 Filed 5-27-99; 8:45 am]

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1650

Revision of Debt Collection Regulation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission (EEOC) is revising its regulation on debt collection to provide general debt collection standards and to implement the administrative wage garnishment provisions of the Debt Collection Improvement Act (DCIA) of 1996. This final rule adopts the federal claims collection standards issued jointly by the General Accounting Office (GAO) and the Department of Justice (DOJ) in 4 CFR Parts 101-105 and the regulation on administrative wage garnishment issued by the Department of the Treasury at 31 CFR 285.11.

EFFECTIVE DATE: May 28, 1999.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Schlageter, Assistant Legal Counsel, or Susan Murphy, Senior Attorney, Office of Legal Counsel, at (202) 663-4669 (voice), (202) 663-7026 (TDD). This final rule is also available in the following formats: large print, braille, electronic file on computer disk, and audio-tape. Copies may be obtained

from the EEOC's Publication Center by calling 1-800-669-3362 (voice) or 1-800-669-6820 (TDD).

SUPPLEMENTARY INFORMATION: EEOC is revising its regulation on debt collection found in 29 CFR Part 1650 to indicate that it follows the federal claims collection standards of the Department of Justice and the General Accounting Office at 4 CFR Parts 101-105. A statement of adoption by cross-reference is being added to each of the subparts of 29 CFR Part 1650.

EEOC is also adding a new subpart D to implement administrative wage garnishment provisions under section 31001(o) of the Debt Collection Improvement Act of 1996 (DCIA), Pub. L. 104-134, 110 Stat. 1321-358 (April 26, 1996). Here, EEOC is adopting by cross-reference the administrative wage garnishment regulation issued by the Department of the Treasury at 31 CFR 285.11. Under the DCIA, a federal agency that is collecting delinquent nontax debt may administratively garnish the debtor's wages in accordance with regulations promulgated by the Secretary of the Treasury. EEOC's debt collection program does not necessitate procedures different from those established by the Department of the Treasury, and therefore the Commission is adopting the Treasury regulation. This new subpart will also contain the statement of adoption by cross-reference of the federal claims collection standards issued by the Department of Justice and the General Accounting Office.

We are issuing a final rule rather than a notice of proposed rulemaking because we have determined, for good cause, that publication of a proposed rule and solicitation of comments are not necessary. Good cause also exists for waiving the 30-day delay in effectiveness as to these revisions. These amendments concern matters of agency practice and procedure. Their purpose is to incorporate without change existing regulations of the Departments of Justice and the Treasury and the General Accounting Office, which were the subject of public comment when promulgated by those agencies. Incorporation of the federal claims collection standards reflects existing requirements and longstanding Commission practice.

Regulatory Procedures

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (Pub. L. 96-354, as amended by Pub. L. 104-121), the Commission has reviewed this regulation, and by approving it, certifies

under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities. The EEOC's debt collection activities do not affect a substantial number of small entities. Moreover, as found by the Department of the Treasury, wage garnishment requirements do not have a significant economic impact on small entities. Employers of delinquent debtors must certify certain information about the debtor, such as the debtor's employment status and earnings. This information is contained in the employer's payroll records. Therefore, it will not take a significant amount of time or result in a significant cost for an employer to complete the certification form. Even if an employer is served withholding orders on several employees over the course of a year, the cost imposed on the employer to complete the certification would not have a significant economic impact on that entity. Employers are not required to vary their normal pay cycles in order to comply with a withholding order issued pursuant to this rule. For these reasons, a regulatory flexibility analysis is not required.

Executive Order 12866

This rule is not a significant regulatory action as defined in Executive Order 12866 and is therefore not subject to review by the Office of Management and Budget.

Paperwork Reduction Act

This regulation contains no information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

List of Subjects in 29 CFR Part 1650

Administrative practice and procedure, Claims, Debts, Garnishment of wages, Hearing and appeal procedures, Salaries, Wages.

For the reasons stated in the preamble, 29 CFR Part 1650 is amended as set forth below.

PART 1650—DEBT COLLECTION

1. The authority citation for 29 CFR Part 1650 is revised to read as follows:

Authority: 5 U.S.C. 5514; 31 U.S.C. 321, 3701, 3711, 3716, 3720A, 3720D; EO 13019, 61 FR 51763, 3 CFR 1996 Comp., p. 216; 5 CFR 550.1101.

2–3. Section 1650.101 is amended by adding two new sentences at the end of the section to read as follows:

§ 1650.101 Purpose.

* * * The general standards and procedures governing the collection, compromise, termination, and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR Parts 101–105) apply to the administrative collection activities of the EEOC. The Director of the Financial Management Division shall act on all claims arising out of the activities of the EEOC.

4. Section 1650.201 is amended by adding two new sentences at the end of the section to read as follows:

§ 1650.201 Purpose.

* * * The general standards and procedures governing the collection, compromise, termination, and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR Parts 101–105) apply to the administrative collection activities of the EEOC. The Director of the Financial Management Division shall act on all claims arising out of the activities of the EEOC.

5. Section 1650.301 is amended by adding two new sentences at the end of the section to read as follows:

§ 1650.301 Purpose.

* * * The general standards and procedures governing the collection, compromise, termination, and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR Part 101–105) apply to the administrative collection activities of the EEOC. The Director of the Financial Management Division shall act on all claims arising out of the activities of the EEOC.

6. A new Subpart D is added to 29 CFR Part 1650 to read as follows:

Subpart D—Procedures for the Collection of Debts by Administrative Wage Garnishment

§ 1650.401 Purpose and regulatory procedures for the collection of debts by administrative wage garnishment.

The Commission hereby adopts by cross-reference the administrative wage garnishment regulation issued by the Department of the Treasury at 31 CFR

285.11. The general standards and procedures governing the collection, compromise, termination, and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR Parts 101–105) apply to the administrative collection activities of the EEOC. The Director of the Financial Management Division shall act on all claims arising out of the activities of the EEOC.

Dated: May 20, 1999.

For the Commission.

Ida L. Castro,

Chairwoman.

[FR Doc. 99–13342 Filed 5–27–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300866; FRL–6082–7]

RIN 2070–AB78

Fenhexamid; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for fenhexamid (*N*-2,3-dichloro-4-hydroxyphenyl)-1-methyl cyclohexanecarboxamide) in or on grapes at 4.0 parts per million (ppm), strawberries at 3.0 ppm, and raisins at 6.0 ppm. The TM–402 Fungicide Task Force comprised of Tomen Agro, Inc. and Bayer Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. **DATES:** This regulation is effective May 28, 1999. Objections and requests for hearings must be received by EPA on or before July 27, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300866], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled “Tolerance Petition Fees” and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified