use of approved lasalocid and virginiamycin Type A medicated articles to make Type C medicated feeds used for prevention of coccidiosis and for increased rate of weight gain and improved feed efficiency in growing turkeys.

EFFECTIVE DATE: September 14, 1999.

FOR FURTHER INFORMATION CONTACT: Charles J. Andres, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–1600.

SUPPLEMENTARY INFORMATION: Roche Vitamins, Inc., 45 Waterview Blvd., Parsippany, NJ 07054–1298, filed NADA 141–150 that provides for use of Avatec® (90.7 grams per pound (g/lb) of lasalocid as lasalocid sodium) and Stafac® (20 or 227 g/lb of virginiamycin) Type A medicated articles to make Type C medicated feeds for growing turkeys. The Type C medicated feeds are used for prevention of coccidiosis caused by *Eimeria meleagrimitis*, *E. gallopavonis*, and *E. adenoeides*, and for increased rate of weight gain and improved feed efficiency in growing turkeys. The NADA is approved as of August 6, 1999, and the regulations are amended in 21 CFR 558.311 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. Section 558.311 is amended in the table in paragraph (e)(1)(xiv), under the ''Combination in grams per ton'' column, by alphabetically adding an entry for ''Virginiamycin 10 to 20'' to read as follows:

§ 558.311 Lasalocid.

* * * * *

(e)(1) * * *

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
* *	*	*	* *	*
(xiv) 68 (0.0075 pct) to 113 (0.0125 pct).		* * *	* * *	* * *
* *	*	*	* *	*
	Virginiamycin 10 to 20	Growing turkeys; for prevention of coccidiosis caused by *E. meleagrimitis*, *E. gallopavonis*, and *E. adenoeides*, and for increased rate of weight gain and improved feed efficiency.	Feed continuously as sole ration. As lasalocid sodium provided by 063238 and virginiamycin provided by 000069.	063238
* *	*	*	* *	*

* * * * *

Dated: August 30, 1999.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 99–23970 Filed 9–13–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 982

[Docket No. FR–4428–C–03]

RIN 2577–AB91

Section 8 Tenant-Based Assistance Programs Statutory Merger of Section 8 Certificate and Voucher Programs; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Correction.

SUMMARY: This document makes various corrections to HUD's May 14, 1999 interim rule amending the regulations for the Section 8 tenant-based rental voucher program. The interim rule implemented most of the Section 8 tenant-based program provisions contained in the Quality Housing and Work Responsibility Act of 1998 (the ''Public Housing Reform Act''). Of particular significance, the May 14, 1999 interim rule implemented section 545 of the Public Housing Reform Act. Section 545 provides for the complete merger of the Section 8 tenant-based Certificate and Voucher programs. The purpose of this document is to make

various corrections to the May 14, 1999 interim rule.

DATES: *Effective Date:* October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, Room 4210, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–0477, extension 4069 (this is not a toll-free number). Hearing or speech impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. HUD's May 14, 1999 Interim Rule

On May 14, 1999 (64 FR 26632), HUD published for public comment an interim rule amending the regulations for the Section 8 tenant-based rental voucher program.

The interim rule implemented most of the Section 8 tenant-based program provisions contained in the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105–276, approved October 21, 1998; 112 Stat. 2461) (the ''Public Housing Reform Act''). Of particular significance, the May 14, 1999 interim rule implemented section 545 of the Public Housing Reform Act, which provides for the complete merger of the Section 8 tenant-based Certificate and Voucher programs. Accordingly, the May 14, 1999 established a new merged program known as the Housing Choice Voucher program.

HUD had previously promulgated regulations (known as the ''conforming rule'') which combined and conformed rules for Section 8 tenant-based assistance to the extent permitted by prior law. The new Housing Choice Voucher program has features of the previously authorized certificate and voucher programs plus new features, as described in the preamble to the interim rule.

The May 14, 1999 interim rule provided for a 90-day delayed effective date for the interim rule (in contrast to the customary 30-day delayed effective date for most HUD rules issued for effect), in order to afford public housing agencies (PHAs) additional time to prepare for the implementation of the interim rule. The interim was scheduled to become effective on August 12, 1999.

On August 11, 1999 (64 FR 43613), HUD published a notice in the **Federal Register** delaying the effective date of the May 14, 1999 interim rule until October 1, 1999. HUD decided to delay the effective date in order to provide decided to delay the effective date until October 1, 1999, to allow PHAs more time to prepare for implementation of the Housing Choice Voucher Program and to allow PHAs to revise their computer software to accommodate the new subsidy formula.

II. This Document

The purpose of this document is to make various corrections to the May 14, 1999 interim rule. The major corrections made by this document are as follows:

1. *Definition of ''merger date.''* The definition of ''merger date'' in § 982.4 is corrected to specify that this term means October 1, 1999, the delayed effective date of the interim voucher merger rule pursuant to HUD's August 11, 1999 **Federal Register** notice.

2. *Use of ''family size'' to determine initial eligibility.* Section 982.201(b)(4) is corrected to specify that the PHA must use the income limit ''for the family size'' to determine initial eligibility at admission to the program. The published rule incorrectly indicated that the PHA should use the ''family unit size'' for this purpose (emphasis supplied). ''Family *unit* size'' is used to determine the appropriate unit size and maximum subsidy for a family, not to determine eligibility for admission to the program.

3. *Screening of family behavior.* Section 982.307(a)(1) of the published rule provides that the PHA may opt to screen ''family behavior'' or suitability for tenancy. This provision is intended to implement section 8(o)(6)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(6)(B)) (the ''1937 Act''), as amended by section 545 of the Public Housing Reform Act, which provides that a PHA ''may elect to screen applicants for the program. . . .'' The interim rule is corrected:

- To clarify, as originally intended (see the interim rule preamble discussion at 64 FR 26632), that § 982.307(a)(1) is only intended to authorize PHA screening of program applicants, not to authorize PHA screening of a program participant seeking to move to another unit (either within the PHA jurisdiction or under portability procedures) (§ 982.307(a)(1)).
- To specify that such PHA screening of program applicants must be ''in accordance with policies stated in the PHA administrative plan'' (§ 982.307(a)(1)).
- To add a reference to such PHA screening in the regulation that lists PHA policies that must be included in the administrative plan (§ 982.54(d)(23)).
- To add a conforming provision which clarifies that the PHA may at any time deny program assistance for an applicant in accordance with the PHA administrative plan policy on screening of applicants for family behavior or suitability for tenancy (§ 982.552(e)).

4. *Approval of acceptability criteria variations.* Section 982.401(a)(4)(iii)(A) is revised to correct the description of requirements for approval of acceptability criteria variations in accordance with section 8(o)(8)(B) of the 1937 Act. The corrected rule specifies that HUD may approve variations that meet or exceed the ''performance requirements,'' which describe minimum program Housing Quality Standards (HQS) requirements.

5. *Payment standard amount and schedule.* Section 982.503 is corrected:

- By adding a new paragraph (b)(1)(iii)) to specify that a PHA may establish a higher payment standard within the basic range (between 90 percent and 110 percent of the published Fair Market Rent (FMR)) when required as a reasonable accommodation for a family that includes a person with disabilities.
- By adding the term ''upper range'' (in redesignated § 982.503(c)(2)(i)) to refer to the interval from 110 percent to 120 percent of the published FMR.
- By adding new paragraph (c)(2)(ii) to specify that the HUD field office may approve PHA establishment of a payment standard in the ''upper range'' when required as a reasonable accommodation for a family that includes a person with disabilities.

6. *Payment standard used to calculate subsidy in an exception area.* Section 982.505(c)(2) is corrected to clarify that the payment standard used to calculate the subsidy for a dwelling unit located in an exception area is calculated in accordance with § 982.503, which describes the process for establishing the payment standard for an exception area.

7. *Title of § 982.508.* The title of § 982.508 is revised to clarify that this section specifies the maximum ''family share'' (defined as gross rent minus the amount of the housing assistance payment) at initial occupancy, rather than the maximum ''rent to owner,'' as suggested by the original title.

8. *Description of amortization cost.* Section 982.623(b)(3) is corrected by restoring the description of ''amortization cost,'' which is used to calculate the amount of assistance for a manufactured home space rental under the pre-merger certificate program (for a tenancy commenced before the ''merger date''). This provision was inadvertently deleted by the interim rule.

9. *FMR for manufactured home space.* Section 982.623 is corrected by consolidating two paragraphs

concerning determination of the FMR for a manufactured home space (§ 982.623(c)(1)).

Accordingly, in the interim rule captioned ''Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs,'' FR Document 99–12082, beginning at 64 FR 26632, in the issue of Friday, May 14, 1999, the following corrections are made:

1. On page 26641, in the first column, the definition of ''Merger date'' in § 982.4 is corrected to read as follows:

§ 982.4 Definitions.

* * * * *

(b) * * *

Merger date. October 1, 1999.

* * * * *

2. On page 26641, in the third column, regulatory amendment 31 is corrected to read as follows:

31. Amend § 982.54 as follows:

a. Revise paragraphs (d)(1), (d)(2), (d)(14) and (d)(15);

b. Remove paragraph (d)(16);

c. Redesignate paragraphs (d)(17), (d)(18), (d)(19), (d)(20), (d)(21) and (d)(22) as paragraphs (d)(16), (d)(17), (d)(18), (d)(19), (d)(20) and (d)(21) respectively;

d. Revise newly designated paragraphs (d)(20) and (d)(21); and

e. Add paragraphs (d)(22) and (d)(23).

The revisions and additions read as follows:

§ 982.54 Administrative plan.

* * * * *

(d) * * *

(1) Selection and admission of applicants from the PHA waiting list, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list;

(2) Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions or suspensions of the voucher term. ''Suspension'' means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension;

* * * * *

(14) The process for establishing and revising voucher payment standards;

(15) The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract);

* * * * *

(20) Restrictions, if any, on the number of moves by a participant family (see § 982.314(c));

(21) Approval by the Board of Commissioners or other authorized officials to charge the administrative fee reserve;

(22) Procedural guidelines and performance standards for conducting required HQS inspections; and

(23) PHA screening of applicants for family behavior or suitability for tenancy.

§ 982.201 [Corrected]

3. On page 26643, in the second column, § 982.201(b)(4) is corrected by revising the reference to ''(for the family unit size)'' to read ''(for the family size)''.

4. On page 26645, in the first column, § 982.307(a)(1) is corrected to read as follows:

§ 982.307 Tenant screening.

(a) *PHA option and owner responsibility.* (1) The PHA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy. However, the PHA may opt to screen applicants for family behavior or suitability for tenancy. The PHA must conduct any such screening of applicants in accordance with policies stated in the PHA administrative plan.

* * * * *

§ 982.401 [Corrected]

5. On page 26646, in the third column, § 982.401(a)(4)(iii)(A) is corrected by revising the reference to ''Acceptability criteria'' to read ''Performance requirements''.

6. On page 26648, in the second and third columns, § 982.503 is corrected by adding paragraph (b)(1)(iii) and revising paragraph (c)(2) to read as follows:

§ 982.503 Voucher tenancy: Payment standard amount and schedule.

* * * * *

(b) * * *

(1) * * *

(iii) The PHA may establish a higher payment standard within the basic range if required as a reasonable accommodation for a family that includes a person with disabilities.

(c) * * *

(2) *Above 110 percent of FMR to 120 percent of FMR.* (i) The HUD Field Office may approve an exception payment standard amount from above 110 percent of the published FMR to 120 percent of the published FMR (upper range) if such office determines that such approval is justified by either the median rent method or the 40th percentile rent as described below (and that such approval is also supported by an appropriate program justification in accordance with paragraph (c)(4) of this section).

(A) *Median rent method.* In the median rent method, HUD determines the exception payment standard amount by multiplying the FMR times a fraction of which the numerator is the median gross rent of the exception area and the denominator is the median gross rent of the entire FMR area. In this method, HUD uses median gross rent data from the most recent decennial United States census, and the exception area may be any geographic entity within the FMR area (or any combination of such entities) for which median gross rent data is provided in decennial census products.

(B) *40th percentile rent method.* In this method, HUD determines that the area exception rent equals the 40th percentile of rents to lease standard quality rental housing in the exception area. HUD determines the 40th percentile rent in accordance with the methodology described in § 888.113 of this title for determining fair market rents. A PHA must present statistically representative rental housing survey data to justify HUD approval.

(ii) The HUD Field Office may approve an exception payment standard amount within the upper range if required as a reasonable accommodation for a family that includes a person with disabilities.

* * * * *

7. On page 26649, in the third column, § 982.505(c)(2) is corrected to read as follows:

§ 982.505 Voucher tenancy: How to calculate housing assistance payment.

* * * * *

(c) * * *

(2) If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with § 982.503.

* * * * *

8. On page 26649, in the third column, the section heading for § 982.508 is corrected to read as follows:

§ 982.508 Maximum family share at initial occupancy.

* * * * *

9. On page 26650, in the third column, § 982.552 is corrected by adding paragraph (e) to read as follows:

§ 982.552 PHA denial or termination of assistance for family.

* * * * *

(e) *Applicant screening.* The PHA may at any time deny program assistance for an applicant in accordance with the PHA policy, as stated in the PHA administrative plan, on screening of applicants for family behavior or suitability for tenancy.

10. On page 26651, in the second and third columns, § 982.623 is corrected as follows:

a. Remove paragraph (a);

b. Redesignate paragraphs (b) and (c) as paragraphs (a) and (b), respectively;

c. Add paragraph (a)(3); and

c. Revise newly designated paragraph (b)(1).

§ 982.623 Manufactured home space rental: Housing assistance payment.

(a) * * *

(3) *Amortization cost.* (i) The amortization cost may include debt service to amortize cost (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount must be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the PHA determines that furniture was not included in the purchase price.

(ii) The amount of the amortization cost is the debt service established at time of application to a lender for financing purchase of the manufactured home if monthly payments are still being made. Any increase in debt service due to refinancing after purchase of the home is not included in amortization cost.

(iii) Debt service for set-up charges incurred by a family that relocates its home may be included in the monthly amortization payment made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize such charges.

(b) *Housing assistance payment for voucher tenancy.* (1) There is a separate FMR for a family renting a manufactured home space. The FMR for a manufactured home space is determined in accordance with § 888.113(e) of this title. The FMR for rental of a manufactured home space is generally 30 percent of the published FMR for a two-bedroom unit (see FMR notices published by HUD pursuant to part 888).

* * * * *

Dated: September 8, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–23895 Filed 9–13–99; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF JUSTICE

28 CFR Part 68

[EOIR No. 116F; A.G. ORDER No. 2255–99]

RIN 1125–AA17

Office of the Chief Administrative Hearing Officer; Executive Office for Immigration Review; Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Immigration-Related Employment Practices, and Document Fraud

AGENCY: Office of the Chief Administrative Hearing Officer, Executive Office for Immigration Review, Justice.

ACTION: Final rule.

SUMMARY: This final rule adopts the interim rule of the Office of the Chief Administrative Hearing Officer (OCAHO), published February 12, 1999, at 64 FR 7066. This final rule amends the regulations of OCAHO pertaining to employer sanctions, unfair immigration-related employment practice cases, and immigration-related document fraud. The final rule implements various provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Debt Collection Improvement Act of 1996, makes various other changes to the OCAHO's procedural regulations, and sets forth clerical and technical corrections to the interim rule.

DATES: This final rule is effective September 14, 1999.

FOR FURTHER INFORMATION CONTACT: Charles Adkins-Blanch, Acting General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, Virginia 22041, telephone number (703) 305–0470.

SUPPLEMENTARY INFORMATION: The IIRIRA, enacted on September 30, 1996, amends the employer sanctions, unfair immigration-related employment practices and document fraud sections of the Immigration and Nationality Act (INA) in several ways (sections 274A, 274B, and 274C of the INA, respectively). The Debt Collection Improvement Act of 1996, Public Law 104–134, Title III (''Debt Collection Improvement Act''), 110 Stat. 1321, 1321–1358 (1996), mandates that the civil penalties in each of these three sections of the INA be adjusted to reflect inflation. In addition, the OCAHO examined its regulations and made various changes perceived as necessary in light of case-by-case experiences since the 1991 amendments to its regulations. On February 12, 1999, the Department of Justice published an interim rule containing changes to the OCAHO's regulations designed to make the regulations comport with one of the aforementioned statutes, clarify any existing ambiguity, and similarly contribute to the fair and efficient administration of sections 274A, 274B, and 274C of the INA. Although comments were requested, none were received. Accordingly, the changes to the regulations, previously published as an interim rule, are now adopted as a final rule with technical corrections.

Need for Correction

Upon further review of the interim rule, the OCAHO is making certain clerical and technical corrections. These corrections are purely technical and non-substantive, and do not impose new requirements.

In the heading and introductory text of § 68.33(c), the final rule replaces the word ''respondents'' with the phrase ''parties other than the Department of Justice.'' This technical correction is necessary as complainants in cases arising under section 274B of the INA may be individuals or entities other than the Department of Justice. In § 68.33(c)(3)(iii), the word ''finds'' was inadvertently omitted. The final rule corrects this clerical omission. All other corrections are for punctuation.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 or