

local, or tribal governments or the private sector within the meaning of Unfunded Mandates Reform Act of 1995.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) (the RFA), has reviewed and approved this final rule and in so doing certifies that this rule would not have a significant economic impact on a substantial number of small entities. The final rule is exclusively concerned with public housing agencies that administer tenant-based housing assistance under Section 8 of the United States Housing Act of 1937. Specifically, the final rule would establish requirements governing tenant-based assistance for an eligible family. The final regulatory amendment would not change the amount of funding available under the Section 8 voucher program. Accordingly, the economic impact of this rule will not be significant, and it will not affect a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Catalog of Domestic Assistance Numbers

The Catalog of Domestic Assistance numbers for the programs affected by this final rule are 14.855 and 14.85.

List of Subjects in 24 CFR Part 982

Grant programs—housing and community development, Housing, Rent subsidies.

For the reasons described in the preamble, HUD is amending 24 CFR part 982 as follows:

PART 982—SECTION 8 TENANT BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

1. The authority citation for 24 CFR part 982 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

2. Revise § 982.305(a)(5) to read as follows:

§ 982.305 PHA approval of assisted tenancy.

(a) * * *

(5) At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share does not exceed 40 percent of the family's monthly adjusted income.

* * * * *

3. Revise § 982.508 to read as follows:

§ 982.508 Maximum family share at initial occupancy.

At the time the PHA approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the program, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share must not exceed 40 percent of the family's adjusted monthly income. The determination of adjusted monthly income must be based on verification information received by the PHA no earlier than 60 days before the PHA issues a voucher to the family.

Dated: October 28, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

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DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Rescission Guidelines

AGENCY: United States Parole Commission, Justice.

ACTION: Interim rule; amendments.

SUMMARY: The Commission is amending its regulation regarding sanctioning of disciplinary infractions and new criminal behavior by prisoners who have applied for parole or who have received grants of parole. The amendment clarifies the Commission's longstanding policy that this regulation applies to all misconduct committed by a prisoner while confined, whether before or after the sentence is imposed. It also clarifies the applicability of the rule to parolees when they are confined for new crimes committed while on parole.

DATES: *Effective Date:* December 3, 1999. Comments must be received by December 31, 1999.

ADDRESSES: Send comments to Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The Commission's regulation at 28 CFR § 2.36 provides in pertinent part that the rescission guidelines contained therein "shall apply to the sanctioning of disciplinary infractions or new criminal behavior committed by a prisoner subsequent to the commencement of his sentence and prior to his release on parole." 28 CFR 2.36(a). The Commission's regulation regarding guidelines for parole decisionmaking provides in pertinent part that "for criminal behavior committed while in confinement see § 2.36." 28 CFR 2.20(i). The Commission's longstanding interpretation of its rescission guidelines is therefore that they apply to all misconduct and new criminal behavior committed by an offender "in confinement". In order to clarify the language of § 2.36(a), (which, standing alone, appears to limit rescission guidelines to conduct after a prisoner has begun service of an imposed sentence) the Commission is amending § 2.36(a). The amended rule will make clear that the rescission guidelines apply to new criminal conduct committed by any offender who is in confinement, whether as a pretrial detainee, as a prisoner serving an imposed sentence, or as a prisoner who has been transferred to another institution pending trial or sentencing on another matter. The amended rule also makes clear that the rescission guidelines apply to disciplinary infractions or further crimes committed by a parolee after he has been confined on a new criminal charge, whether before or after the Commission revokes his parole. This inclusive policy reflects the Commission's view that disciplinary infractions are always relevant to the parole decisionmaking process, and that new crimes committed while in official confinement of any type share are a significant indicant of the offender's lack of suitability for parole or reparole.

The rescission guidelines therefore apply to conduct committed while in confinement regardless of the venue of confinement; new criminal conduct in a halfway house or jail, as well as in a

prison, falls within the ambit of § 2.36(a).

Implementation

The amended rule is made effective as an interim rule pending the public comment process because of the public and law enforcement interest in not placing in doubt the many parole decisions made in accordance with 28 CFR 2.36 and 2.20(i).

Regulatory Assessment Requirements

The U.S. Parole Commission has determined that this amended interim rule is not a significant rule within the meaning of Executive Order 12866. The amended interim rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b), and is deemed by the Commission to be a rule of agency practice that does not "substantially affect the rights or obligations of non-agency parties" pursuant to Section 804(3)(C) of the Congressional Review Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole, Prisoners.

The Amendments

Accordingly, the U.S. Parole Commission is adopting the following amendments to 28 CFR Part 2.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. Section 2.36 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 2.36 Rescission guidelines.

(a) The following guidelines shall apply to the sanctioning of disciplinary infractions or new criminal conduct committed by a prisoner during any period of confinement that is credited to his current sentence (whether before or after sentence is imposed), but prior to his release on parole; and by a parole violator during any period of confinement prior to or following the revocation of his parole (except when such period of confinement has resulted from initial parole to a detainer). * * *

* * *

Dated: October 25, 1999.

Michael J. Gaines,

Chairman, Parole Commission.

[FR Doc. 99-28587 Filed 11-2-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-99-068]

RIN 211-AE46

Special Local Regulations: City of Augusta, GA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary Special Local Regulations are being adopted for the Augusta Port Authority's Head of the South Rowing Regatta. The event will be held from 7 a.m. to 6 p.m. Eastern Standard Time (EST) on November 13 and 14, 1999, on the Savannah River in Augusta, GA. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: These regulations become effective at 6:30 a.m. November 13, 1999, and terminate at 6:30 p.m. on November 14, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. William Tole (706) 722-4114.

SUPPLEMENTARY INFORMATION:

Background and Purpose

These regulations are required to provide for the safety of life on navigable waters during the Head of the South Rowing Regatta to be held in Augusta, GA. The regulations are intended to promote safe navigation on the Savannah River immediately before, during, and after the race by controlling the traffic entering, exiting, and travelling within the regulated area. The anticipated number of participant and spectator vessels poses a safety concern which is addressed in these special local regulations. There will be approximately 3000 participants racing single, double, four and eight person rowing shells on a fixed course. The event will take place in an area of limited commercial traffic on the Savannah River at Augusta GA, between mile marker 187.5 and 203.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Information concerning the exact date and times of the event were only recently received by the U.S. Coast Guard, leaving insufficient time for a full comment period and delayed effective date.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of

Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(f) of that order. The Office of Management and Budget has excepted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT 44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full regulatory evaluation under paragraph 10e of the regulated policies and procedures of DOT is unnecessary. The regulated area encompasses less than 3 nautical miles on the Savannah River with little commercial usage, entry into which is prohibited for only twelve hours on each day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Coast Guard must consider whether this rulemaking will have a significant economic impact on a substantial number of small entities. Small entities include small business, not-for-profit organizations that are independently owned and operated and are not dominant under their fields, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities, as the regulations will only be in effect for two days in a limited area of the Savannah River that is seldom used for commerce.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined under Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation.