

Dated: July 27, 1995.

**Daniel M. Barolo,**  
*Director, Office of Pesticide Programs.*

Therefore, 40 CFR parts 180 and 185 are amended as follows:

**PART 180—[AMENDED]**

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

b. By amending § 180.458 in the table therein by adding and alphabetically inserting the commodity potatoes, to read as follows:

**§ 180.458 Clethodim ((E)-(±)-2-[1-[[3-chloro-2-propenyl]oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one); tolerances for residues.**

Commodity	Parts per million
* * * * *	*
Potatoes .....	0.5
* * * * *	*

**PART 185—[AMENDED]**

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 348.

b. By adding new § 185.1075, to read as follows:

**§ 185.1075 Clethodim ((E)-(±)-2-[1-[[3-chloro-2-propenyl]oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one).**

Food additive tolerances are established for the combined residues of the herbicide clethodim ((E)-(±)-2-[1-[[3-chloro-2-propenyl]oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one) and its metabolites containing the 2-cyclohexen-1-one moiety in or on the following processed foods:

Food	Parts per million
Potato flakes <sup>1</sup> .....	1.0
Potato granules <sup>1</sup> .....	1.0

<sup>1</sup>There are no U.S. registrations as of August 9, 1995.

[FR Doc. 95-19529 Filed 8-8-95; 8:45 am]  
 BILLING CODE 6560-50-F

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of the Secretary**

**45 CFR Part 11**

**Removal of Committee Management**

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Final rule; removal of interim rule.

**SUMMARY:** The Department of Health and Human Services is amending the Code of Federal Regulations (CFR) by removing unnecessary and obsolete regulations. In accordance with the President's regulatory reinvention initiative the Department has determined that the regulations are no longer needed.

**EFFECTIVE DATE:** August 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ellen W. Washington, Department Committee Management Officer, at (202) 690-8113.

**SUPPLEMENTARY INFORMATION:** In a memorandum dated March 4, 1995, subject "Regulatory Reinvention Initiative" the President directed heads of departments and agencies to focus on four steps which are an integral part of the ongoing Regulatory Reform Initiative. The Department has reviewed this regulation and identified it for removal by this document as obsolete and unnecessary. The regulation being removed is no longer necessary to administer the program.

**Assessment of Direct Effect**

The Department has determined that removal of the regulations will have no substantial direct effect.

**List of Subjects in 45 CFR Part 11**

Committee management.

Accordingly, under the authority of 5 U.S.C. Sec. 301, subtitle A of title 45 of the Code of Federal Regulations is amended by removing part 11.

Dated: August 3, 1995.

**Eugene Kinlow,**  
*Deputy Assistant Secretary for Personnel Administration.*  
 [FR Doc. 95-19643 Filed 8-8-95; 8:45 am]

BILLING CODE 4150-04-M

**Administration for Children and Families**

**45 CFR Part 1355**

RIN 0979-AB58

**Title IV-B and Title IV-E of the Social Security Act: Data Collection for Foster Care and Adoption**

**AGENCY:** Administration on Children, Youth and Families (ACYF)  
 Administration for Children and Families (ACF), HHS.

**ACTION:** Final rule.

**SUMMARY:** The Administration on Children, Youth and Families is adding a financial data element to the Appendices of the regulation for data collection for foster care and adoption. In addition, we are adding the Office of Management and Budget's (OMB) control number for the data collection section of the regulation. All States that administer State plans under title IV-B and IV-E of the Social Security Act are subject to this addition to the Appendices of the regulation.

**EFFECTIVE DATE:** August 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Daniel H. Lewis, Deputy Associate Commissioner, Children's Bureau, Administration on Children, Youth and Families, (202) 205-8618.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Administration on Children, Youth and Families published a final rule on December 22, 1993 (58 FR 67912) that implements the requirements of section 479 of the Social Security Act. This section requires the Secretary to publish regulations that implement a system for the collection of adoption and foster care data in the United States. All States that administer State plans under titles IV-B and IV-E of the Society Security Act are subject to this regulation.

**II. General**

This regulation, 45 CFR part 1355, generally known as the Adoption and Foster Care Analysis and Reporting System (AFCARS), is designed to collect uniform, reliable information on children who are under the responsibility of the State title IV-B/IV-E agency for placement and care. The collection of adoption and foster care data is mandated by section 479 of the Social Security Act. In order to adequately meet the intent of the law and the requirements of this regulation, the States' data collection systems for AFCARS must be computerized.

The Department of Health and Human Services (DHHS) will use this information to respond to Congressional requests for current data on children in foster care or who have been adopted, and to respond to questions and requests from other Departments and agencies, including the General Accounting Office, the Office of Management and Budget (OMB), the DHHS Office of Inspector General, national advocacy organizations, States and other interested organizations.

### III. Program Description

Title IV-B, Subpart 1, of the Social Security Act (the Act), the Child Welfare Services program, is a formula grant program. Each State receives grants during the year representing its allotment. The grants provide States with Federal support for a wide variety of State child welfare services including: Preplacement preventive services to strengthen families and avoid placement of children; services to prevent abuse and neglect; foster care and adoption services; and certain protections for children in foster care. Title IV-B, Subpart 2, Family Preservation and Support Services, is an entitlement program which encourages and enables each State to develop and establish or expand, and to operate a program of family preservation services and community based family support services. Funds under both subparts of title IV-B can be used to provide services regardless of the income of the families and children who are in need of such services.

Title IV-E of the Act is an entitlement program which authorizes Federal financial participation (FFP) in the costs of State foster care maintenance and adoption assistance payments. Federal matching of State foster care maintenance payments is available for children in foster care who meet certain eligibility criteria that are based, in part, on the child's eligibility under the Aid to Families With Dependent Children (AFDC) program. The adoption assistance program under title IV-E is designed to assist States in placing "special needs" children with adoptive families through the provision of an adoption assistance payment. In order to be eligible for this program, a child must be eligible for AFDC, title IV-E foster care or Supplemental Security Income for the Blind and Disabled (SSI) and must meet the statutory definition of "a child with special needs" according to section 473(c) of the Act. Title IV-E of the Act is the major single source of Federal support for foster care and adoption assistance payments. However, over half the funds for adoption and

foster care and half the children are supported by State and local governments and private sector.

According to State agency information gathered by the American Public Welfare Association (APWA) under the Voluntary Cooperative Information System (VICS), there were approximately 444,000 children in foster care on the last day of 1993.

In 1990, the most recent year for which data have been analyzed, approximately 407,000 children were in foster care. Of these children, approximately 69,000 had a plan for adoption and approximately 20,000 had parental rights terminated or relinquished and were waiting for adoptive homes.

### IV. Legislation Establishing New Data Collection Requirements

Section 9943 of the Omnibus Budget Reconciliation Act (OBRA) of 1986 (Pub. L. 99-509) amended title IV-E of the Social Security Act by adding section 479. This section directs the Secretary to promulgate regulations for the implementation of a system to collect data relating to adoption and foster care in the United States. On December 22, 1993, the Department published the AFCARS final rule which requires that State agencies administering or supervising the administration of titles IV-B and IV-E of the Act implement data collection systems and report semi-annually on data elements set forth in the final rule.

Page 67917 of the preamble to the AFCARS final rule, announced the Department's intention to add a foster care financial data element to the appendices of the AFCARS regulation. This data element will indicate the total monthly amount of foster care benefit paid on behalf of each child in foster care. At that time the Department urged interested parties to comment on this intention so that expressed concerns and comments could be taken into account in the development of the data element. Two letters (both from State agencies) were received in response to the final rule's request for comments on this matter.

States should begin submitting the monthly foster care payment information with their submittal for the fourth AFCARS reporting period, April 1, 1996-September 30, 1996.

### V. Discussion of Comments and the Development's Response Part 1355—General

Section 1355.40 Foster care and adoption data collection. The letters from the State agencies related primarily to the usefulness of the financial

information and how States are to report it.

*Comment:* One comment was that the request for such information appears duplicative in light of the information submitted by the States in accordance with the ACYF-PI-92-11, issued on August 21, 1992.

*Response:* Although the data is similar, the Program Instruction requires States submittal of quarterly financial data with a submitted monthly average number of children for the quarter. The AFCARS financial data element will, for the first time, allow for the analysis of a payment per child in foster care, unlike the current average dollars per child based on an average monthly number of children. The result is the opportunity to develop demographic profiles of children and the specific payments each receives. This information can result in more comprehensive cost projections for children meeting particular demographic profiles during their foster care episodes.

*Comment:* Given that AFCARS' reporting frequency is semi-annual, how would monthly amounts be reflected?

*Response:* Monthly amounts would be reflected in the most recent full monthly payment made on behalf of the child during the report period.

*Comment:* Why is this information necessary on a per child basis, since the information can be calculated using the Federal Medical Assistance Percentage (FMAP) rate?

*Response:* The information is being requested on title IV-E and non IV-E children; therefore the FMAP is not always applicable. The information on a per child basis can be useful in a number of ways, such as:

- Examining costs per placement setting type; and
- Examining costs per child based on a child's demographic profile, more specifically, number of disabilities versus costs, age vs. costs, etc.

The understanding of costs as identified above are necessary for accurate cost projections.

*Comment:* Did you intend that this question would include the administrative and training dollars expended?

*Response:* No, only the maintenance dollars.

*Comment:* Is the data necessary for non-title IV-E children?

*Response:* Yes, all children as defined by the AFCARS reporting population.

*Comment:* For which classes of title IV-E children will the information be required?

*Response:* The information is required for all children in foster care (title IV-

E and non IV-E) which meet the AFCARS reporting population definition.

*Purpose of the Amendment to § 1355.40*

Page 67924 of the preamble of the AFCARS final rule in the "Paperwork Reduction Act" section, identifies the need for and approval of a control number by OMB. Paragraphs (a) and (b) of 45 CFR 1355.40 of the regulation, contain information collection requirements for which an OMB approval number is required. In addition, OMB requires the approval number to be displayed in the regulation. OMB approved and assigned a number to the information collection requirements in § 1355.40 on August 22, 1994. This amendment adds that number at the end of the section.

**VI. Impact Analysis**

*Executive Order 12866*

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule which adds a financial data element to the appendices and additionally publishes the required OMB control number is consistent with these priorities and principles. As assessment of the costs and benefits of available regulatory alternatives (including not regulating) demonstrated that the approach taken in the regulation is the most cost-effective and least burdensome while still achieving the regulatory objectives.

*Regulatory Flexibility Act*

Consistent with the Regulatory Flexibility Act of 1980 (5 U.S.C. ch 6), the Department tries to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each rule, with a "significant economic impact on a substantial number of small entities" an analysis is prepared describing the rule's impact on small entities. Small entities are defined in the Regulatory Flexibility Act to include small businesses, small non-profit organizations, and small governmental entities.

The primary impact of this rule is on the States which are not "small entities" within the meaning of the Act. For this reason, the Secretary certifies that this rule will not have a significant impact on a substantial number of small entities.

*Paperwork Reduction Act*

Under the Paperwork Act of 1980, Pub. L. 96-511, all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or recordkeeping requirements in a proposed or final rule. The addition of a financial data element in several of the Appendices and the OMB control number will not make an appreciable change in the burden to the States. Therefore no submission to OMB is required.

**List of Subjects in 45 CFR CFR Part 1355**

Adoption and foster care, Child welfare, Data collection, Definitions, Grant Programs—Social Programs. (Catalog of Federal Domestic Assistance Program Nos. 93.658, Foster Care Maintenance, 93.659, Adoption Assistance and 93.645, Child Welfare Services-State Grants)

Dated: July 18, 1995.

**Mary Jo Bane,**  
*Assistant Secretary for Children and Families.*

For the reasons set forth in the preamble, 45 CFR part 1355 is amended as follows:

1. The authority citation for part 1355 continues to read as follows:

**Authority:** 42 U.S.C. 1302.

2. Section 1355.40 is amended by adding the OMB Control Number at the end of the section to read as follows:

**§ 1355.40 Foster care and adoption data collection.**

(Information collection requirements contained in paragraphs (a) and (b) of this section were approved on August 22, 1994, by the Office of Management and Budget under Control Number 0980-0267).

**Appendix A—[Amended]**

3. Appendix A to Part 1355, Sections I and II are amended by adding elements XII to each section to read as follows:

*Section I—Foster Care Data Elements*

\* \* \* \* \*

XIII. Amount of the monthly foster care payment (regardless of sources).

\* \* \* \* \*

*Section II—Definition of and Instructions for Foster Care Data Elements*

\* \* \* \* \*

XII. Amount of the monthly foster care payment (regardless of sources)—Enter the monthly payment paid on behalf of the child regardless of source (i.e., Federal, State, county, municipality, tribal, and private payments). If title IV-E is paid on behalf of the child the amount indicated should be the total computable amount. If the payment made on behalf of the child is not the same each month, indicate the amount of the last full monthly payment made during the reporting period. If no monthly payment has been made during the period, enter all zeros.

**Appendix C—[Amended]**

4. In Appendix C to part 1355, under Section number 4., paragraph (3) is revised to read as follows:

*4. Personal Computer to Personal Computer \* \* \**

(3) All records must be a fixed length. The Foster Care Detailed Data Elements Record is 150 characters long and the Adoption Detailed Data Elements Record is 72 characters long. The Foster Care Summary Data Elements Record and the Adoption Summary Data Elements Record are each 172 characters long.

\* \* \* \* \*

**Appendix D—[Amended]**

5. In Appendix D to part 1355, Section A, Foster Care, subsection 1., is amended by revising paragraph a. and adding to paragraph c. the following elements at the end of the table and revising the number of "Total Characters" to read as follows:

1. Foster Care Semi-Annual Detailed Data Elements Record

a. The record will consist of 66 data elements.

\* \* \* \* \*

c. \* \* \*

Element No.	Appendix A data element	Data element description	No. of numeric characters
66	XII	Amount of monthly foster care payment (regardless of source).	5
Total characters			150

\* \* \* \* \*  
**Appendix E—[Amended]**

6. In Appendix E to part 1355, in Section A., subsection 3., paragraph b.(2) is amended by adding the following elements to the end of the table to read as follows:

3. Missing Data Standards  
 \* \* \* \* \*  
 b. \* \* \*  
 (2) Less Than Ten Percent Missing Data  
 \* \* \*

Element No.	Element description
66	Amount of monthly foster care payment (regardless of source).

[FR Doc. 95-19679 Filed 8-8-95; 8:45 am]  
 BILLING CODE 4184-01-M

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1801, 1803, 1804, 1805, 1808, 1809, 1810, 1812, 1814, 1815, 1819, 1822, 1825, 1827, 1829, 1831, 1833, 1835, 1837, 1839, 1846, 1849, 1850, 1852, 1853 and 1870**

[NASA FAR Supplement Directive 89-19]  
 RIN 2700-AB84

**Acquisition Regulation; Miscellaneous Amendments to NASA FAR Supplement**

**AGENCY:** Office of Procurement, Acquisition Liaison Division, National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This document amends the NASA Federal Acquisition Regulation Supplement (NFS) to reflect a number of miscellaneous changes dealing with NASA internal and administrative matters, such as the NASA FAR Supplement rewrite and reassignment of duties in the Office of Procurement.

**EFFECTIVE DATE:** July 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. David K. Beck, (202) 358-0482.

**SUPPLEMENTARY INFORMATION:**

**Availability of NASA FAR Supplement**

The NASA FAR Supplement, of which this rule is a part, is available in its entirety on a subscription basis from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, telephone

number (202) 512-1800. Cite GPO Subscription Stock Number 933-003-00000-1. It is not distributed to the public, either in whole or in part, directly by NASA.

**Rewrite of NASA FAR Supplement**

NASA is reviewing and rewriting 48 CFR chapter 18, the NASA FAR Supplement, in its entirety in order to implement recommendations of the National Performance Review. During this review, NASA is eliminating reporting requirements and making other changes in order to reduce and simplify the regulation. This rule is part of the effort to simplify NASA's regulations.

**Summary of Changes**

Part 1801—Federal Acquisition Regulations System—Unnecessary words and sections in subparts 1801.1 to 1801.4 are eliminated. Section 1831.101 on deviations from cost principles is moved to 1804.471(c)

Part 1810—Specifications, Standards, and Other Purchase Descriptions—Unnecessary words and duplicative policy are removed.

Part 1814—Sealed Bidding—Unnecessary words, sentences and section are eliminated.

Subpart 1815.1—General Requirements for Negotiation—Subpart is eliminated because it is unnecessary guidance.

Subpart 1815.4—Solicitation and Receipt of Proposals and Quotations—Unnecessary paragraphs, sentence and words are eliminated.

Subpart 1815.5—Unsolicited Proposals—Section 1815.502 is revised to emphasize that NASA encourages unsolicited proposals that are unique and innovative. Sections 1815.503, 1815.504-70, and 1815.506 are revised to remove unnecessary words.

Subpart 1815.6—Source Selection—Unnecessary paragraphs, sentence and words are eliminated.

Subpart 1815.10—Preaward, Award, and Postaward Notifications, Protests, and Mistakes—Unnecessary words are eliminated.

Part 1827—Patents, Data, and Copyrights—Unnecessary words are removed.

Part 1833—Protests, Disputes, and Appeals—Paragraphs 1833.104(a) and (d) are revised in order to correct references to FAR sections.

Part 1835—Research and Development Contracting—Unnecessary words are removed. The following paragraphs and sections are removed because they are covered elsewhere: 1835.003(b) (covered by FAR 35.003(b)), 1835.003-70 (covered by 1835.070(a)

and 1852.235-70), 1835.003-71(a) (covered by 1827.373(b)), 1835.003-71(b) (covered by 1835.070(c)), and 1835.071 (covered by 1846.270(a)).

Part 1837—Service Contracting—Section 1837.000 is eliminated because it is unnecessary.

Part 1839—Acquisition of Information Resources—Unnecessary words are removed. Revises thresholds based on current delegations from GSA.

Part 1846—Quality Assurance—Unnecessary words are removed. Section 1846.670-2(a) and paragraph (a) of the clause at 1852.246-72 are revised to clarify that the clause applies only to deliveries to the Government.

Part 1849—Termination—Dollar thresholds in 1849.111-71 are revised in order to eliminate the requirement for a Board to review and approve a Termination Contracting Officer's actions involving amounts up to \$1 million and, under complete terminations, fee up to \$100,000. 1849.102-70, 1849.111-72, and 1849.111-74 are clarified. In order to conform to FAR 49.110(a), detailed instructions in 1849.603-70(d)(1) and (2) are replaced with references to FAR 15.808(a).

Part 1852—Solicitation Provisions and Contract Clauses—A clause is revised as discussed under part 1846.

Part 1853—Forms—Unnecessary words in 1853.101, 1853.103, 1853.104, and 1853.105 are eliminated. The requirement in 1853.105 to obtain approval from NASA Headquarters prior to using computer generated forms is eliminated. Sections 1853.204, 1853.216-70 and 1853.242-70 through 1853.242-72 are revised to eliminate redundant words. A reference in 1853.249(b) is corrected.

Subpart 1870.1—NASA Acquisition of Investigations System—Unnecessary words are removed.

Subpart 1870.2—NASA Research Announcement System—Unnecessary words are removed. In paragraph 16 about canceling NRA's, the reference to the Commerce Business Daily (CBD) is removed because the CBD does not publish cancellation notices.

**Impact**

NASA certifies that this regulation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)