

claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

The official record for this rulemaking, as well as the public version, as described above, is kept in paper form. Accordingly, in the event there are objections and hearing requests, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record. The official rulemaking record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

IX. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines "a significant regulatory action" as an action that is likely to result in a rule: (1) Having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

This action does not impose any enforceable duty, or contain any "unfunded mandates" as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled *Enhancing the Intergovernmental Partnership*, or

special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because FFDC section 408(l)(6) permits establishment of this regulation without a notice of proposed rulemaking, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act, 5 U.S.C. 604(a), do not apply.

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 31, 1996.
Daniel M. Barolo,
Director, Office of Pesticide Programs.

Therefore, 40 CFR Chapter I is amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.434, by adding a new paragraph (d) to read as follows:

§ 180.434 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole; tolerances for residues.

* * * * *

(d) Time-limited tolerances are established for residues of the fungicide propiconazole, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole, in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerances are specified in the following table. Each tolerance expires and is automatically revoked on the date specified in the table without further action by EPA.

Commodity	Parts per million	Expiration/revocation date
Grain sorghum	0.1	October 31, 1998

Commodity	Parts per million	Expiration/revocation date
Grain sorghum stover	1.5	October 31, 1998

[FR Doc. 96-29020 Filed 11-12-96; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 431

Administration for Children and Families

45 CFR Part 205

RIN 0970-AB32

Medicaid and Aid to Families With Dependent Children; Certain Provisions of the National Voter Registration Act of 1993

AGENCIES: Administration for Children and Families (ACF), and Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: These final rules would remove certain regulatory restrictions that conflict with implementation of the National Voter Registration Act of 1993 (NVRA), Pub. L. 103-31. The NVRA provisions will make it easier for individuals to vote in elections for Federal office.

EFFECTIVE DATE: November 13, 1996.

FOR FURTHER INFORMATION CONTACT: AFDC: Mr. Mack A. Storrs, ACF/OFA 5th floor, 370 L'Enfant Promenade SW., Washington, DC 20447, telephone (202) 401-9289.

Medicaid: Mr. Marinos T. Svolos, 7500 Security Boulevard, Baltimore, Maryland, 21244-1850, telephone (410) 786-4582.

SUPPLEMENTARY INFORMATION:

Background

The NVRA contains three provisions which will make it easier for individuals to register to vote in elections for Federal office. These include: (1) The simultaneous application for or renewal of drivers licenses and voter registration (the motor voter part of the bill); (2) the adoption and use of a "mail" application form for voter registration;

and (3) the designation of State voter registration agencies, including among others all offices in a state that provide "public assistance" and "State-funded programs primarily engaged in providing services to persons with disabilities."

As defined in the conference report, dated February 2, 1993, the term "public assistance agencies" includes "* * * those State agencies in each State that administer or provide services under the Food Stamp, Medicaid, the Women, Infants and Children (WIC) and the Aid to Families with Dependent Children (AFDC) programs" (H. Rep. No. 103-66 (1993), p. 19).

According to section 7(a)(4) of the NVRA, public assistance offices shall: Distribute mail voter registration forms; provide assistance in forms completion; and provide a service to accept completed forms and to transmit them to appropriate authorities. These services are to be available at the time of application, recertification, or renewal or when a change in address is reported. The NVRA also contains provisions addressing how applicants and or recipients of public assistance are to be informed to their right to request or decline this assistance.

Section 7(a)(5) of the NVRA indicates that these offices shall not: Seek to influence a party preference; display party-affiliated materials; discourage registration; or imply in any way that the availability of services or benefits is dependent upon a decision to register or not to register to vote.

States that have continuously permitted voter registration at polling places at the time of voting in a general election for Federal office (since March 11, 1993, or pursuant to State law enacted on or before that date) or States with no voter registration requirements for any voter in the State with respect to an election for Federal office continuously since March 11, 1993, are exempt from NVRA requirements.

State agencies responsible for the administration of the AFDC and Medicaid programs have already been advised of the availability of Federal financial participation (FFP) necessary to conduct voter registration assistance in public assistance offices in accordance with section 7 of the NVRA. The Administration for Children and Families and the Health Care Financing Administration will issue further guidance in program instructions as needed to AFDC and Medicaid agencies regarding the implementation of these provisions. All relevant Federal agencies will continue to work closely with each other and with State public

assistance agencies toward the successful implementation of this Act.

Under section 9 of the NVRA the Federal Election Commission (FEC), in consultation with the chief election officers of the States, is required to develop a national mail voter registration application form for elections to Federal office and to submit reports to Congress assessing the impact of the legislation during the preceding 2-year period for each odd-numbered year beginning June 30, 1995. The FEC published a Final Rule related to these provisions in the Federal Register on June 23, 1994 (59 FR 32311-32325).

The Department regards the NVRA as an integral feature of its goal to reform the welfare system. Our present initiative encourages States to change welfare agency culture from one that focuses primarily on issuing checks and monitoring eligibility to one that provides an array of services in support of family responsibility and financial independence. These NVRA provisions promote family responsibility by empowering the client population to exercise the essential democratic right to participate in the electoral process.

Notice of Proposed Rulemaking

Current regulatory provisions at 45 CFR 205.50(a)(4) and 42 CFR 431.307(a)(2), (b), and (c) result in barring the distribution of voter registration materials to AFDC and Medicaid applicants and recipients. Enactment of the NVRA mandates that State and local public assistance offices conduct such activities. In order to comply with these statutory requirements, we proposed amending the aforementioned regulations to remove the bar from the States subject to the NVRA. An NPRM was published in the Federal Register on November 22, 1994 (59 FR 60109).

As originally written, the NPRM would continue the bar on distribution of voter registration materials by State public assistance and Medicaid agencies in States that are exempt from the NVRA. This position was questioned by a number of commenters. We agree with the commenters that exempt States should not be barred from conducting voter registration activities as provided under the NVRA. We, therefore, have eliminated language that would prohibit such discretionary activities by those States. This is discussed in greater detail in the following section.

We also have made a minor, clarifying change in §§ 431.307(d) and 205.50(a)(4)(iv).

Response to Comments

We received six comments on the proposed rules. Four were from advocacy groups, one was from a State government agency, and one was from a real estate agency. A discussion of these comments and our response follows:

Comment: We received four comments indicating that State welfare offices should be required to use a single form which would allow AFDC applicants to register to vote at the same time they apply for AFDC. This single form would ensure that the voter registration is not overlooked by the worker handling the AFDC/Medicaid application. The commenters believe that, among other benefits, the combined voter registration/AFDC/Medicaid application form would lead to a greater number of people registering to vote than if the forms were separated. They contend that combining the registration form with the application for services is the single most effective way to offer registration services, and that using separate forms for voter registration purposes results in significantly lower registration rates.

Response: We acknowledge that a single form that combines the AFDC/Medicaid and voter applications may better facilitate the voter registration process. Accordingly, we encourage State agencies to adopt this solution. However, the statute does not mandate that a combined application/registration form be used.

Consequently, each state has the latitude to use a combined AFDC/Medicaid/voter registration form or not to use such a form, whichever is deemed most practical for that particular State.

Accordingly, we have not adopted the commenters' suggestion but feel that States should seriously consider the merits of utilizing a single form that combines the AFDC/Medicaid voter registration applications. When using a combined form, workers must inform clients, as required by section 7(a)(5) of the NVRA, that their receipt of AFDC/Medicaid benefits is not dependent upon a decision to register or not to register to vote.

Comment: Although the Federal Election Commission (FEC) final rule requires States to submit statistical data on registrations that are received from agencies in the States, four commenters suggested that the HHS final rules also provide for some sort of data collection to help evaluate the implementation of the NVRA. The commenters suggested that HHS would find it useful to compile some statistics of its own to

facilitate program improvements and cost efficiency measures.

Response: Under section 9 of the NVRA the FEC is required to submit reports to Congress to assess the impact of the NVRA each odd-numbered year beginning June 30, 1995. The FEC final rules describe the extensive recordkeeping and reporting requirements that must be maintained by the chief election official of each State. According to the FEC final rules, among other data, reports must include the statewide number of registration applications that were received from all public assistance agencies. While more data might prove useful in the evaluation of program operations, these final rules do not seek or require the compilation of additional information. We have not adopted the commenters' suggestion because additional recordkeeping and reporting requirements above those already required by the FEC would negatively impact State welfare agency staff who are providing voter registration services in conjunction with other caseload priorities.

Comment: The NPRM proposed to continue to apply the bar against registering voters in States that are exempt from the NVRA. Specifically, those States that permit voter registration at polling places (since March 11, 1993 or pursuant to State law enacted on or before that date) or States with no voter registration for any voter in the State with respect to an election for Federal office (since March 11, 1993) are exempt from NVRA requirements and are currently prohibited from conducting voter registration activities at the welfare office level. Three commenters objected to continuing this bar and requested that it be stricken from the final rule. These commenters indicated that no State should be barred from conducting such registration activities and recommended that States exempt from the NVRA be allowed the discretion to determine whether they will offer voter registration by public assistance agencies.

Response: We agree with the recommendation. Neither the NVRA nor the Social Security Act expressly prohibit an exempt State from assisting clients to register to vote. Accordingly, we believe that States exempt from the NVRA should have the discretion to allow their AFDC/Medicaid population to register to vote so long as the provisions of section 7(a)(5) of the NVRA are followed. These provisions contain a number of protections to ensure that the registration process will be fair and non-partisan. Specifically, offices shall not: Seek to influence a

party preference; display party-affiliated materials; discourage registration; or imply in any way that the availability of services or benefits is dependent upon the applicant's or recipient's decision to register or not to register to vote. The final regulation has been modified to expressly prohibit the mailing or distribution of partisan voting information. We added the word "partisan" because we believe it will be helpful to State agencies in implementing their voter registration activities. We also removed redundant references to the NVRA.

Comment: One commenter objected to employees' assisting applicants in the completion of voter registration application forms because this would impose a burden unrelated to the employees' basic work. The commenter also questioned the possibility of an employee influencing the applicant to register for the employee's choice of political parties.

Response: We do not agree. The statute requires that public assistance offices make available assistance to AFDC/Medicaid applicants and recipients in registering them to vote. According to section 7(a)(4)(A) of the NVRA, public assistance offices shall make the following services available: "(i) Distribution of mail voter registration application forms. * * *; (ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance;" and, "(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official." Therefore, staff must make available to applicants the same level of assistance in completing voter registration application forms as they do in assisting applicants completing AFDC/Medicaid forms.

Regarding the commenter's concern about an employee's influencing a client to register for one particular party, the statute provides a safeguard. Section 7(a)(5) of the NVRA states that an employee who provides voter registration services *shall not* "seek to influence an applicant's political preference or party registration" or "display any such political preference or party allegiance." We are confident that State welfare agencies have instituted the proper safeguards to prevent abuse.

Comment: One commmenter was concerned because the HHS regulations are silent as to the obligation to comply with the Voting Rights Language Assistance Act of 1992, in particular section 203. This section enables a community to receive bilingual voting assistance if more than 10,000 voting

age citizens in a jurisdiction belong to a single language minority with limited English proficiency and the illiteracy rate of the citizens in the language minority is higher than the national illiteracy rate. It was also suggested that HHS take a greater role in support of bilingual voting assistance.

Response: We do not feel that it is necessary for DHHS to regulate in this area. The regulatory requirements implementing the Language Assistance Act of 1992 can be found at 28 CFR Part 55. State election officials and AFDC/Medicaid agency staff should work together to implement these regulatory requirements.

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 is consistent with these priorities and principles.

Paperwork Reduction Act

These final regulations do not require any information collection activities, and therefore no approval is necessary under the Paperwork Reduction Act of 1995.

Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-354) requires the Federal government to anticipate and reduce the impact of regulations and paperwork requirements on small businesses. The primary impact of these proposed rules is on State governments and individuals. Therefore, we certify that these rules will not have a significant economic impact on a substantial number of small entities because they affect benefits to individuals and payments to States. Thus, a regulatory flexibility analysis is not required.

List of Subjects

45 CFR Part 205

Computer technology, Grant programs—social programs, Privacy, Public assistance programs, Reporting and recordkeeping requirements, Wages.

42 CFR Part 431

Aid to families with dependent children, Aliens, Contracts (agreements)—State plan), Eligibility, Grant-in-Aid Program—health, Guam, Health facilities, Medicaid, Puerto Rico, Supplemental Security Income (SSI), Virgin Islands.

(Catalog of Federal Domestic Assistance Programs 13.780, Assistance Payments-Maintenance Assistance; Program No. 93.778, Medical Assistance Program)

Dated: June 6, 1996.
Mary Jo Bane,
Assistant Secretary for Children and Families.

Dated: June 14, 1996.
Bruce C. Vladeck,
Administrator, Health Care Financing
Administration.

Approved: July 26, 1996.
Donna E. Shalala,
Secretary, Health and Human Services.

For the reasons explained in the preamble, part 431 of Chapter IV, Title 42, Code of Federal Regulations, is amended as set forth below:

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

1. The authority citation for Part 431 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 431.307 is amended by revising paragraph (a)(2) and (b) and by adding a new paragraph (d) to read as follows:

§ 431.307 Distribution of information materials.

(a) * * *
(2) Have no political implications except to the extent required to implement the National Voter Registration Act of 1993 (NVRA) Pub. L. 103-31; for States that are exempt from the requirements of NVRA, voter registration may be a voluntary activity so long as the provisions of section 7(a)(5) of NVRA are observed;

* * * * *
(b) The agency must not distribute materials such as "holiday" greetings,

general public announcements, partisan voting information and alien registration notices.

* * * * *

(d) Under NVRA, the agency must distribute voter information and registration materials as specified in NVRA.

For the reasons explained in the preamble, Part 205 of Chapter II, Title 45, Code of Federal Regulations, is amended as set forth below:

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. The authority citation for Part 205 is revised to read as follows:

Authority: 42 U.S.C. 602, 603, 606, 607, 1302, 1306(a), and 1320b-7; 42 U.S.C. 1973gg-5.

2. Section 205.50 is amended by revising paragraphs (a)(4), introductory text, and (a)(4)(i), adding a new paragraph (a)(4)(iv), and adding paragraph (b) to read as follows:

§ 205.50 Safeguarding information for the financial assistance programs.

(a) * * *
(4) All materials sent or distributed to applicants, recipients, or medical vendors, including material enclosed in envelopes containing checks, will be limited to those which are directly related to the administration of the program and will not have political implications except to the extent required to implement the National Voter Registration Act of 1993 (NVRA), Pub. L. 103-31. Under this requirement:
(i) Specifically excluded from mailing or distribution are materials such as

"holiday" greetings, general public announcements, alien registration notices, and partisan voting information.

* * * * *

(iv) Under NVRA, the agency must distribute voter information and registration materials as specified in NVRA.

(b) *Voluntary voter registration activities.* For States that are exempt from the requirements of NVRA, voter registration may be a voluntary activity so long as the provisions of section 7(a)(5) of NVRA are observed.

* * * * *

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 150

Compatibility of Cargoes

CFR Correction

In title 46 of the Code of Federal Regulations, parts 140 to 155, revised as of October 1, 1995, on page 46, in the second column, in part 150, appendix I (a), the entry for "Ethyl alcohol (20)" was inadvertently omitted in the "Compatible with" column for the entry "Caustic soda, 50% or less (5)" in the "Member of reactive group" column, preceding the entry for "Ethyl alcohol (40%, whiskey) (20).

BILLING CODE 1505-01-D