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DEPARTMENT OF AGRICULTURE

Food and Consumer Service

7 CFR Parts 271, 272, 282, 284, and 285

[Amdt. No. 371]

RIN: 0584-AC14

Food Stamp Program, Regulatory Review; Alaska, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and Demonstration Projects

AGENCY: Food and Consumer Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends Food Stamp Program rules affecting Alaska, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and demonstration projects. This action is a result of a comprehensive, page-by-page review, of all existing Food Stamp Program regulations which was conducted in response to the President's efforts to reform the Federal regulatory system. This rule eliminates prescriptive detailed processes and empowers States to set their own procedures for case management and customer service; eliminates outdated and redundant regulatory requirements; and emphasizes recipient responsibility for applying and reporting their circumstances properly.

DATES: This final rule is effective December 26, 1996, and must be implemented May 27, 1997.

FOR FURTHER INFORMATION CONTACT: Judith M. Seymour, Chief, Certification Policy Branch, Program Development Division, Food and Consumer Service, USDA, 3101 Park Center Drive, Alexandria, Virginia, 22302, (703) 305-2520.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for the purposes of Executive Order 12866 and therefore was not reviewed by the Office of Management and Budget.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule in 7 CFR Part 3015, Subpart V and related Notice (48 FR 29115), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601-612). William E. Ludwig, Administrator, Food and Consumer Service, has certified that this final rule will not have a significant economic impact on a substantial number of small entities. State and local welfare agencies will be the most affected to the extent that they administer the Program.

Paperwork Reduction Act

Sections 272.7(b) and (i) of this rulemaking require submission to FCS of amendments to the Alaska State Plan of Operation. The information collection burden associated with amendments to a State agency's Plan of Operation is currently approved by the Office of Management and Budget (OMB) under OMB Number 0584-00830. This rulemaking does not alter the burden estimates as currently approved. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), FCS solicited comments through an April 1, 1996 publication in the Federal Register (61 FR 14287, 14288) of a notice on the current information collection requirements related to the State Plan of Operation. The comment period ended on May 31, 1996. There were no comments received on that portion of the notice which describes the burden associated with the State Plan of Operation. The proposed collection will be submitted to OMB for review and at that time the Department will publish a notice which will provide an additional opportunity to comment.

The reporting burden in § 285.3 related to the Puerto Rico State Plan of Operation affects only the Puerto Rico State agency. Under the Paperwork Reduction Act, burden is not required to be assessed and submitted to OMB for review if the number of respondents is less than nine.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the "Effective Date" paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the Food Stamp Program the administrative procedures are as follows: (1) For Program benefit recipients—State administrative procedures issued pursuant to 7 U.S.C. 2020(e)(1) and 7 CFR 273.15; (2) for State agencies—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 276.7 (for rules related to non-quality control (QC) liabilities) or Part 283 (for rules related to QC liabilities); (3) for Program retailers and wholesalers—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 278.8.

Background

This rule is the first revision of the regulations governing the Food Stamp Program issued in response to the President's Regulatory Reform Initiative. For a detailed description of the analysis of the initiative and its application by this Department, readers are referred to the proposed rule published on January 24, 1996 at 61 FR 1849.

In this rule, we are amending food stamp regulations affecting Alaska, Puerto Rico, the Commonwealth of the Northern Mariana Islands, and demonstration projects. The amendments streamline administration of the program in these areas, offer greater flexibility to State agencies in enacting policy, and improve customer service.

We received a comment letter from the Alaska Department of Health and Social Services (the State agency), addressing technical changes to three of the provisions regarding the administration of the program in the State of Alaska. With the exception of minor changes, to the proposed regulations suggested by this comment, which are discussed in the following paragraphs, the provisions of the proposed rule are being adopted without change. For a detailed description of these provisions readers are referred to the proposed rule.

Section 272.7, of the proposed rule described special procedures for administration of the Food Stamp Program in Alaska. Section 272.7(a), the introductory paragraph to § 272.7, specified that FCS had developed additional regulations to accommodate the unique demographic and climatic characteristics of certain areas in rural Alaska. The paragraph further specified that, with the exception of paragraph (f) which contains provisions regarding the treatment of resources, the special procedures described in § 272.7 would be limited to the designated rural areas of Alaska.

Section 272.7(c) of the proposed rule defined "fee agent" and described the duties of such agents. In its comment letter, the State agency requested that we amend § 273.7(a) so that fee agents may be used in urban areas. Under section 11(m) of the Food Stamp Act of 1977, as amended, (7 U.S.C. 2020(m)) the Secretary is directed to provide for the use of fee agents in rural Alaska. In view of the explicit statutory language limiting the use of fee agents to only rural areas of Alaska, the Department does not have the authority to expand the use of fee agents to urban areas. We would, however, consider granting waivers allowing for the use of fee agents in urban areas of Alaska on a limited basis.

Under the proposed rule at § 272.7(b)(4), the State agency may, in consultation with FCS, change the designation of any Alaska subdivision to reflect changes in demographics or the cost of food within the subdivision. The State agency requested clarification of how it may initiate changes in the designation of areas as rural or urban. Since the designation of which areas are urban or rural is included in the State Plan of Operation, described at 7 CFR 272.2, changes in the Plan would be made pursuant to the procedures at 7 CFR 272.2(f).

In response to the State agency's request, we are also changing the title of proposed § 272.7(f) from "Resources" to "Vehicles" since that section refers only

to the treatment of vehicles as a resource.

Implementation

The provisions of this rulemaking are effective no later than 30 days after publication of the final rule. State agencies shall implement the provisions no later than 180 days after that date.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs—social programs.

7 CFR Part 272

Alaska, Civil Rights, Food Stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 282

Food stamps, Governmental contracts, Grant programs—social programs, Research.

7 CFR Part 284

Administrative practice and procedure, Food assistance programs, Grant programs—social programs, Health, Nutrition.

7 CFR Part 285

Accounting, Food assistance programs, Grant programs—agricultural, Grant programs—social programs, Intergovernmental relations, Puerto Rico, Technical assistance, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 271, 272, 282, 284, and 285 are amended as follows:

1. The authority citation for 7 CFR parts 271, 272, 282, 284, and 285 continue to read as follows:

Authority: 7 U.S.C. 2011–2034.

PART 271—GENERAL INFORMATION AND DEFINITIONS

§ 271.2 [Amended]

2. In § 271.2, the definition of "State" is amended by removing the words "the Northern Mariana Islands,".

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

3. In § 272.1, paragraph (g)(152) is added to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation* * * *

(152) *Amendment No. 361* The provisions of *Amendment No. 361* are effective December 26, 1996, and must be implemented May 27, 1997. Any

variances resulting from implementation of the provisions of this amendment shall be excluded from error analysis for 120 days from this required implementation date in accordance with 7 CFR 275.12(d)(2)(vii). The provision must be implemented for all households that newly apply for Program benefits on or after the required implementation date. The current caseload shall be converted to these provisions at the household's request, at the time of recertification, or when the case is next reviewed, whichever occurs first. The State agency must provide restored benefits to such households back to the required implementation date or the date of application whichever is later.

If for any reason a State agency fails to implement on the required implementation date, restored benefits shall be provided, if appropriate, back to the required implementation date or the date of application whichever is later, but for no more than 12 months in accordance with § 273.17(a) of this chapter.

§ 272.4 [Amended]

4. In § 272.4, the third sentence of paragraph (a)(2) is amended by adding the words ", § 272.7(d) for households residing in rural Alaska," before the words "and part 280 for disaster victims."

5. Section 272.7 is revised to read as follows:

§ 272.7 Procedures for program administration in Alaska.

(a) *Purpose.* To achieve the efficient and effective administration of the Food Stamp Program in rural areas of Alaska, FCS has determined that it is necessary to develop additional regulations which are specifically designed to accommodate the unique demographic and climatic characteristics which exist in these rural areas. The regulations established in this section, except for paragraph (f) of this section, shall apply only in those areas of Alaska designated as "rural" in paragraph (b) of this section. All regulations not specifically modified by this section shall remain in effect.

(b) *Area Designations.* (1) Rural I Alaska TFP refers to a Thrifty Food Plan (TFP) that is the higher of the TFP that was in effect in each area on October 1, 1985, or 28.52 percent higher than the Anchorage TFP, as calculated by FCS, with rounding and other reductions that are appropriate. It is to be used in the following areas: In all places in Kodiak Island Borough with the exception of Kodiak; in all places in the Kenai Peninsula Borough that are west of Cook

Inlet (including Tyonek, Kustatan, Kalgin Island, Iliamna, Chenik, and Augustine Island) and Chugach Island, English Bay, Port Graham, Portlock, Pt. Gore, Pye Island, and Seldovia. In the Yukon-Koyukuk Census Area, the city of Nenana; and Skwentna in the Matanuska-Susitna Borough. In the Valdez-Cordova Census Area, all places except Dayville and Valdez; and in the Southeast Fairbanks Census Area all places except Big Delta, Delta Junction, and Fort Greely. In the Skagway-Yakutat-Angoon Census Area, all places except Skagway; in Sitka Borough all places except Sitka; in the Wrangell-Petersburg Census Area, all places except Wrangell and Petersburg; in the Ketchikan Gateway Borough, all places except Ketchikan, Saxman, and Ward Cove; in the Prince of Wales-Outer Ketchikan Census Area, all places except Craig, Hyder, and Metlakatla.

(2) Rural II Alaska TFP refers to a TFP that is 56.42 percent higher than the Anchorage TFP, as calculated by FCS, with rounding and other reductions that are appropriate. It is to be used in the following areas: North Slope Borough; Kobuk Census Area; Nome Census Area; Yukon-Koyukuk Census Area except for the city of Nenana; Wade Hampton Census Area; Bethel Census Area; Denali in the Matanuska-Susitna Borough; Dillingham-Bristol Bay Borough; and in all places in the Aleutian Islands except for Cold Bay and Adak.

(3) Urban Alaska TFP refers to a TFP that is the higher of the TFP that was in effect in each area on October 1, 1985, or .79 percent higher than the Anchorage TFP, as calculated by FCS, with rounding and other reductions that are appropriate. It is to be used in the following areas: Cold Bay and Adak in the Aleutian Islands; Kodiak in Kodiak Island Borough; Valdez and Dayville in the Valdez-Cordova Census Area; all places in Kenai Peninsula Borough that are on the Kenai Peninsula except for those specifically designated as Rural I; the entire Anchorage Borough; the entire Matanuska-Susitna Borough except for Denali and Skwentna; the entire Fairbanks-North Star Borough; the entire Juneau Borough; the entire Haines Borough; Sitka in the Sitka Borough; Skagway in the Skagway-Yakutat-Angoon Census Area; Wrangell and Petersburg in the Wrangell-Petersburg Census Area; Ketchikan, Saxman, and Ward Cove in the Ketchikan-Gateway Borough; Craig, Hyder, and Metlakatla in the Prince of Wales-Outer Ketchikan Census Area; and Big Delta, Delta Junction, and Fort Greely in the Southeast-Fairbanks Census Area.

(4) The State agency may, in consultation with FCS, change the designation of any Alaska subdivision contained in the Plan of Operation to reflect changes in demographics or the cost of food within the subdivision.

(c) *Fee agents.* "Fee agent" means a paid agent who, on behalf of the State, is authorized to make applications available to low-income households, assist in the completion of applications, conduct required interviews, secure required verification, forward completed applications and supporting documentation to the State agency, and provide other services as required by the State agency. Such services shall not include making final decisions on household eligibility or benefit levels.

(d) *Application processing.* The State agency may modify the application processing requirements in § 273.2 of this chapter as necessary to insure prompt delivery of services to eligible households. The following restrictions apply:

(1) *Fee agent processing.* If the signed application is first submitted by a household to a fee agent, the fee agent shall mail the application to the State agency within 5 days of receipt. The fee agent shall give the household the maximum amount of time to provide needed verification as long as the five-day processing period is met.

(2) *Application filing date.* An application is considered filed for purposes of timely processing when it is received by an office of the State agency.

(3) *Application processing timeframes.* Eligible households must be provided an opportunity to participate as soon as possible but no later than 30 days after the application is received by an office of the State agency.

(4) *Expedited service.* (i) If the signed application is first submitted by a household to a fee agent, the fee agent shall mail the application to the State agency within 5 days of receipt. If the household is eligible for expedited service, the State agency will mail the coupons no later than the close of business of the second working day following the date the application was received by the State agency.

(ii) If the signed application is submitted directly to the State agency in person by a rural resident or its authorized representative or by mail, the State agency shall process the application and issue coupons to households eligible for expedited service in accordance with the time standards contained in § 273.2(i)(3) of this chapter.

(iii) If an incomplete application is submitted directly to the State agency by mail, the State agency shall conduct

the interview by the first working day following the date the application was received if the fee agent can contact the household or the household can be reached by telephone or radio-phone and does not object to this method of interviewing on grounds of privacy. Based on information obtained during the interview, the State agency shall complete the application and process the case. Because of the mailing time in rural areas, the State agency shall not return the completed application to the household for signature. The processing standard shall be calculated from the date the application was filed.

(5) *SSI Joint Processing.* SSA workers shall mail all jointly processed applications to the appropriate State agency office within 5 days of receipt of the application. A jointly processed application shall be considered filed for purposes of timely processing when it is received by an office of the State agency. The household, if determined eligible, shall receive benefits retroactive to the first day of the month in which the jointly processed application was received by the SSA worker.

(6) *Interviews.* The State agency shall interview applicant households in the most efficient manner possible, either by face-to-face contact, telephone, radiophone, or other means of correspondence including written correspondence. In instances in which an interview cannot be conducted, the State agency may postpone the interview until after the household is certified.

(e) *Determining household eligibility and benefit level.* If a household submits its application to a fee agent, it shall, if eligible, receive benefits retroactive to the date the application is received by the fee agent. If a household submits its application directly to a State agency office, it shall, if determined eligible, receive benefits retroactive to the date the application is received by the State agency.

(f) *Vehicles.* In areas of the State where there are no licensing requirements, snowmobiles and boats used by the household for basic transportation shall be evaluated in accordance with § 273.8(h) of this chapter even though they are unlicensed. Vehicles necessary for subsistence hunting and fishing shall not be counted as a household resource.

(g) *Reporting changes.* The State agency shall allow the household to choose to report changes either directly to the State agency or to the fee agent. If the household reports the change to the fee agent, the fee agent will mail the change report to the State agency office within two working days of the date of

receipt. The household's obligation to report the change will have been met if it submits the change to the fee agent within 10 days of the date the change becomes known to the household. However, for purposes of State agency action for increasing or decreasing benefits, the change will be considered to have been reported when it is received by a State agency office.

(h) *Fair hearings, fraud hearings, and agency conferences.* The State agency shall conduct fair hearings, administrative fraud hearings, and agency conferences with households that wish to contest denial of expedited service in the most efficient manner possible, either by face-to-face contact, telephone, radiophone, or other means of correspondence including written correspondence, in order to meet the respective time standards contained in § 273.15 and § 273.16 of this chapter.

(i) *Issuance services.* With the approval of FCS, coupons may be mailed on a quarterly or semiannual basis to certain rural areas of Alaska when provisions are not available on a monthly basis. The decision to allow the distribution of coupons in this manner will be made on an annual basis. These areas shall be listed in the State's Plan of Operation. The State agency shall advise households that live in rural areas where quarterly or semiannual allotments are authorized. If, as the result of the issuance of quarterly or semiannual allotments, food coupons are overissued or underissued, the State agency shall process claim determinations and restore lost benefits.

PART 282—DEMONSTRATION, RESEARCH, AND EVALUATION PROJECTS

6. Section 282.1 is revised to read as follows:

§ 282.1 Legislative authority and notice requirements.

(a) *Legislative authority.* Section 17 of the Act authorizes the Secretary to conduct demonstration, research, and evaluation projects. In conducting such projects, the Secretary may waive all or part of the requirements of the Act and implementing regulations necessary to conduct such projects, except that no project, other than a project involving the payment of the average value of allotments by household size in the form of cash to eligible households or a project conducted to test improved consistency or coordination between the food stamp employment and training program and the Job Opportunities and Basic Skills program under Title IV of the Social Security Act, may be undertaken which would lower or

further restrict the established income and resource standards or benefit levels.

(b) *Notices.* At least 30 days prior to the initiation of a demonstration project, FCS shall publish a General Notice in the Federal Register if the demonstration project will likely have a significant impact on the public. The notice shall set forth the specific operational procedures and shall explain the basis and purpose of the demonstration project. If significant comments are received in response to this General Notice, the Department will take such action as may be appropriate prior to implementing the project. If the operational procedures contained in the General Notice described above are significantly changed because of comments, an amended General Notice will be published in the Federal Register at least 30 days prior to the initiation of the demonstration project, except where good cause exists supporting a shorter effective date. The explanation for the determination of good cause will be published with the amended General Notice. The amended General Notice will also explain the basis and purpose of the change.

§§ 282.2 through 282.19 [Removed]

7. Sections 282.2 through 282.19 are removed.

8. A new § 282.2 is added to read as follows:

§ 282.2 Funding.

Federal financial participation may be made available to demonstration, research, and evaluation projects awarded by FCS through grants and contracts. Funds may not be transferred from one project to another. FCS will pay all costs incurred during the project, up to the level established in the grant, or in the terms and conditions of the contract. FCS may grant time extensions of the project upon approval. Funding for additional costs is subject to existing Federal grant and contract procedures.

PART 284—PROVISION OF A NUTRITION ASSISTANCE PROGRAM FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI) [REMOVED AND RESERVED]

9. Part 284 is removed and reserved.

PART 285—PROVISION OF A NUTRITION ASSISTANCE GRANT FOR THE COMMONWEALTH OF PUERTO RICO

§ 285.2 [Amended]

10. In § 285.2, the first sentence of paragraph (b) is amended by removing the citations “§§ 285.4 and 285.7 in this

part” and adding “§§ 285.3 and 285.5” in their place.

11. In § 285.3:

- a. The second sentence of paragraph (a) is removed.
- b. The third sentence of paragraph (a) is amended by removing the word “subsequent”.
- c. Paragraph (b)(3)(iii) is removed.
- d. New paragraphs (d), (e), (f), (g), and (h) are added.

The additions read as follows:

§ 285.3 Plan of operation.

* * * * *

(d) FCS shall approve or disapprove any plan of operation no later than August 1 of the year of its submission. FCS approval of the plan of operation shall be based on an assessment that the nutrition assistance program, as defined in the plan of operation, is:

- (1) Sufficient to permit analysis and review;
- (2) Reasonably targeted to the most needy persons as defined in the plan of operation;
- (3) Supported by an assessment of the food and nutrition needs of needy persons;
- (4) Reasonable in terms of the funds requested;
- (5) Structured to include safeguards to prevent fraud, waste, and abuse in the use of grant funds; and
- (6) Consistent with all applicable Federal laws.

(e) FCS shall approve or disapprove any amendments to those provisions of the plan of operation specified in paragraph (b) of this section. If FCS fails either to approve or deny the amendment, or to request additional information within 30 days, the amendment to the plan of operation is approved. If additional information is requested, the Commonwealth of Puerto Rico shall provide this as soon as possible, and FCS shall approve or deny the amendment to the plan of operation. Payment schedules and other program operations may not be altered until an amendment to the plan of operation is approved. The Commonwealth of Puerto Rico shall, for informational purposes, submit to FCS any amendments to those provisions of the plan of operation not specified in paragraph (b) of this section. Such submittal shall be made at least 30 days prior to the effective date of the amendment. If circumstances warrant a waiver of the 30-day requirement, the Commonwealth of Puerto Rico shall submit a waiver request to FCS for consideration. Should FCS determine that such an amendment relates to the provisions of paragraph (b) of this section, FCS approval as established above will be necessary for the amendment to be implemented.

(f) FCS may approve part of any plan of operation or amendment submitted by the Commonwealth of Puerto Rico contingent on appropriate action by the Commonwealth of Puerto Rico with respect to the problem areas in the plan of operation.

(g) If all or part of the plan of operation is disapproved, FCS shall notify the appropriate agency in the Commonwealth of Puerto Rico of the problem area(s) in the plan of operation and the actions necessary to secure approval.

(h) In accordance with the provisions of § 285.5, funds may be withheld or denied when all or part of a plan of operation is disapproved.

§§ 285.4 and 285.5 [Removed]

12. Sections 285.4 and 285.5 are removed.

§ 285.6 [Redesignated as § 285.4]

13. Section 285.6 is redesignated § 285.4.

§ 285.7 [Redesignated as § 285.5 and amended]

14. In § 285.7:

a. The section is redesignated § 285.5.

b. The first sentence of paragraph (a) is amended by removing the citation “§ 285.6” and adding “§ 285.4” in its place.

c. The first sentence of paragraph (b) is amended by removing the citation “§ 285.6” and adding “§ 285.4” in its place.

§§ 285.8 through 285.10 [Removed]

15. Sections 285.8 through 285.10 are removed.

Dated: October 4, 1996.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 96-30133 Filed 11-25-96; 8:45 am]

BILLING CODE 3410-30-P

FEDERAL RESERVE SYSTEM

12 CFR Part 261

[Docket No. R-0946]

Rules Regarding Availability of Information

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interim rule with request for comments.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) hereby amends its Rules Regarding Availability of Information to reflect changes in the direct costs to the Board to conduct searches, review documents, and copy documents in response to requests made under the Freedom of Information Act (FOIA) by amending its Appendix A to § 261.10—Freedom of Information Fee Schedule.

DATES: The interim rule is effective on January 1, 1997. Comments must be received on or before December 26, 1996.

ADDRESSES: Comments, which should refer to Docket No. R-0946, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Comments addressed to Mr. Wiles also may be delivered to the Board’s mail room between 8:45 a.m. and 5:15 p.m. and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments may be inspected in Room MP-500 between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Senior Counsel, (202/452-2418), Legal Division; or

Susanne K. Mitchell, Manager, Freedom of Information Office (202/452-2407). For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD)(202/452-3544), Board of Governors of the Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: FOIA requires each federal agency to “promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests . . .” under FOIA. 5 U.S.C. 552(a)(4)(A)(i). The Board’s current fee schedule was last amended in January 1991. (55 FR 49872, December 3, 1990) Since that time, the Board’s direct costs for search, review, and duplication have increased. Therefore, the Board proposes to increase its fees for those services by amending Appendix A to § 261.10 of its Rules Regarding Availability of Information (Rules). These revised fees reflect changes in the Board’s direct costs over the past six years, due primarily to changes in the salaries of the employees who perform services in connection with requests filed under FOIA. The fee schedule is also expanded to include fees for the various forms of computer output that may be provided in response to requests. This amendment makes no change in the definition of services or direct and actual costs, or in the treatment of various categories of requesters.

A comparison of the current fee schedule and the fee schedule established by the interim rule is set forth below (certain fees were not included in the old schedule, these are indicated by N/A):

Service	Old fee	New fee
Duplication:		
Photocopy, per standard page	\$.10	\$.10
Paper copies of microfiche, per frame10	.10
Duplicate microfiche, per microfiche30	.35
Search and review:		
Clerical/technical (FR 31-36/FR 21-22)	17.00	20.00
Professional/Supervisory (FR 23-26)	32.00	38.00
Manager/Senior Professional (FR 27-29)	53.00	65.00
Computer search and production:		
Computer Operator Search time	25.00	32.00
Tapes (cassette)	5.00	6.00
Tapes (cartridge)	5.00	9.00
Tapes (reel)	N/A	18.00
Diskettes (3 1/2")	N/A	4.00
Diskettes (5 1/4")	N/A	5.00
Computer Output (PC), per minute10	.10
Computer Output (mainframe)	(¹)	(¹)

¹ Actual cost.