

INCOME ELIGIBILITY GUIDELINES—Continued

[Effective from July 1, 1996 to June 30, 1997]

Household size	Federal poverty guidelines			Reduced price meals—185%		
	Annual	Month	Week	Annual	Month	Week
Hawaii						
1	8,910	743	172	16,484	1,374	317
2	11,920	994	230	22,052	1,838	425
3	14,930	1,245	288	27,621	2,302	532
4	17,940	1,495	345	33,189	2,766	639
5	20,950	1,746	403	38,758	3,230	746
6	23,960	1,997	461	44,326	3,694	853
7	26,970	2,248	519	49,895	4,158	960
8	29,980	2,499	577	55,463	4,622	1,067
For each add'l family member add	+3,010	+251	+58	+5,569	+465	+108

[FR Doc 96-6428 Filed 3-15-96; 8:45 am]

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**Nutrition Program for the Elderly;
Adjusted Level of Assistance From
October 1, 1994 to September 30, 1995
and Initial Level of Assistance From
October 1, 1995 to September 30, 1996**

AGENCY: Food and Consumer Service,
USDA.

ACTION: Notice.

SUMMARY: This notice announces both the final level of per-meal assistance for the Nutrition Program for the Elderly (NPE) for Fiscal Year 1995 and the initial level of per-meal assistance for Fiscal Year 1996. The Fiscal Year 1995 current level of assistance of \$.5838 is adjusted to \$.5969 for all eligible meals served during the fiscal year in accordance with section 311(c)(2)(A) of the Older Americans Act of 1965, as amended by section 310 of the Older Americans Act Amendments of 1992. The Fiscal Year 1996 initial level of assistance is set at \$.5864 for each eligible meal in accordance with section 311(a)(4) of the Older Americans Act of 1965, as amended by section 310 of the Older Americans Act Amendments of 1992 and preempted by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996.

EFFECTIVE DATE: Fiscal Year 1995 Adjusted Level of Assistance: October 1, 1994. Fiscal Year 1996 Initial Level of Assistance: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Ellen Henigan, Chief, Schools and Institutions Branch, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302-1594 or telephone (703) 305-2644.

SUPPLEMENTARY INFORMATION:**Executive Order 12866**

This action is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance under Nos. 10.550 and 10.570 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, and final rule-related notices published at 48 FR 29114, June 24, 1983 and 49 FR 22676, May 31, 1984.)

**Paperwork Reduction Act and
Regulatory Flexibility Act**

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of that Act.

Legislative Background

Section 310 of Public Law (Pub. L.) 102-375, the Older Americans Act Amendments of 1992, amended section 311(a)(4) of the Older Americans Act of 1965, 42 U.S.C. 3030a(a)(4), to require the Secretary of Agriculture to maintain an annually programmed level of assistance equal to the greater of: (1) The current appropriation divided by the number of meals served in the preceding fiscal year; or (2) 61 cents per meal adjusted annually beginning with Fiscal Year 1993 to reflect changes in the Consumer Price Index. Section 311(c)(2) of the Act (42 U.S.C. 3030a(c)(2)) was amended to provide that the final reimbursement claims

must be adjusted so as to utilize the entire program appropriation for the fiscal year for per-meal support.

Notwithstanding the initial rates established by the Older Americans Act, the Department is required to comply with the spending clause of the U.S. Constitution and 31 U.S.C. 1341(a)(1)(A) (known as the Antideficiency Act), which prohibit the obligation or expenditure of funds in excess of the available appropriation. Thus the Department is required to establish (and if necessary, adjust) rates in such a manner as to not exceed the program appropriation.

**Fiscal Year 1995 Adjusted Level of
Assistance**

Based on its projection of the number of meals to be claimed during the fiscal year, and in light of constitutional and statutory prohibitions on obligating or spending funds in excess of the available appropriation, the Department announced an initial per-meal reimbursement rate of \$.60, the highest rate which it believed could be sustained throughout the fiscal year. This initial level of per-meal assistance was announced in the February 3, 1995 Federal Register (60 FR 6691).

The Department's meal service projection for Fiscal Year 1995 assumed the same rate of growth, slightly over 1 percent, as was experienced in Fiscal Year 1994. This growth rate was the highest increase in the program since 1989. The Department believed that by projecting continued significant program growth, a retroactive rate reduction in Fiscal Year 1995 could be avoided.

However, data for the first two quarters of Fiscal Year 1995 revealed that the program had experienced a slightly more than 3-percent meal service increase over the number of meals served in the first two quarters in Fiscal Year 1994. This increase was

greater than three times that projected. Therefore, it was necessary to retroactively reduce the Fiscal Year 1995 rate from the initially announced level of \$.60 to \$.5838 in order to ensure reimbursement for all eligible Fiscal Year 1995 meals. This rate adjustment was announced via a memorandum to regional offices dated June 21, 1995. The regional offices, in turn, notified State agencies of the rate adjustment.

There are no discernible historical patterns or trends in NPE meal service from which this unprecedented increase could have been anticipated. Given this unpredictability, the Department conservatively established the adjusted rate at \$.5838 in order to virtually eliminate the possibility of a further Fiscal Year 1995 rate reduction.

Final Fiscal Year 1995 meal count data indicate that, while the program experienced unprecedented growth during the first half of the fiscal year, the number of meals served during the last two quarters fell below Departmental projections. Therefore, based on final Fiscal Year 1995 meal counts, the Department has concluded that the Fiscal Year 1995 appropriation will support an upward adjustment from the current rate of \$.5838 to a per-meal reimbursement rate of \$.5969. This final rate applies to all eligible meals served during Fiscal Year 1995 and claimed in a timely manner.

Fiscal Year 1996 Initial Level of Assistance

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 1996 (Pub. L. 104-37) imposed, for Fiscal Year 1996, the same NPE rate management requirements as applied to Fiscal Year 1994. That is, Title IV, Domestic Food Programs, of the Appropriations Act provides that " * * * a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1996." Thus, unlike in Fiscal Year 1995, the Department cannot increase the initially announced Fiscal Year 1996 rate, and can decrease this rate only if it cannot be sustained throughout the year.

It is the Department's goal to establish the highest rate that can be sustained throughout the fiscal year so as to maximize the flow of program funds to States during the fiscal year. However, the Department wants also to minimize the possibility of a rate reduction and the hardship it causes to program

operators. In order to guard against the need for a reduction, the Department, once again, has projected a slightly higher rate of growth in meal service than occurred in the preceding fiscal year. Based on its projections, the Department announces an initial per-meal support level of \$.5864, which will not be increased, and which can be decreased only if necessary to keep expenditures within the limit of the \$150 million NPE appropriation established by Pub. L. 104-37. Any funds not paid out for Fiscal Year 1996 reimbursement will, in accordance with legislative mandate, be carried over into Fiscal Year 1997 and expended in per-meal reimbursement for that year. In the unlikely event that the rate needs to be decreased, States will be notified directly.

Dated: March 8, 1996.
William E. Ludwig,
Administrator, Food and Consumer Service.
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DEPARTMENT OF COMMERCE

Bureau of the Census

1997 Economic Census Covering Utilities; Transportation; Information; Finance and Insurance; and Real Estate, Rental and Leasing Sectors

ACTION: Proposed Agency Information Collection Activity; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 17, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Sidney O. Marcus III, Bureau of the Census, Room 2784, Building 3, Washington, DC 20233 on (301) 457-2786.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is the preeminent collector and provider of timely, relevant, and useful data about the people and economy of the United States. Economic data are the Census Bureau's primary program commitment during nondecennial census years. The economic census, conducted every five years under authority of Title 13 U.S.C., is the primary source of facts about the structure and functioning of the Nation's economy and features unique industry and geographic detail. Economic census statistics serve as part of the framework for the national accounts and provide essential information for government, business, and the general public. The 1997 Economic Census will cover virtually every sector of the U.S. economy including more than 923,000 establishments with payroll in the utilities; transportation; information; finance and insurance; and real estate, rental and leasing sectors. However, approximately thirteen percent of establishments will not be required to file separate reports because they will be included in consolidated company reports; for explanation see selection procedure for establishments of multi-establishment firms below.

II. Method of Collection

Establishments in these sectors of the economic census will be selected for mailout from a frame given by the Census Bureau's Standard Statistical Establishment List. To be eligible for selection, an establishment must be: (i) classified in the utilities; transportation; information; finance and insurance; or real estate, rental and leasing sectors; (ii) an active operating establishment of a multi-establishment firm, or a single-establishment firm with payroll; and (iii) located in one of the 50 states or the District of Columbia. Mail selection procedures will distinguish the following groups of establishments:

A. Establishments of Multi-Establishment Firms

Selection procedures will assign all eligible establishments of multi-establishment firms to the mail component of the potential respondent universe, except for those in selected industries in utilities, transportation, information, and finance and insurance. In these selected industries, where revenue and certain other operating data are not easily attributable to individual establishments, division- or firm-level organizations are asked to report kind of activity, payroll, and employment for