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DEPARTMENT OF AGRICULTURE

Food and Consumer Service

7 CFR Parts 210 and 226

RIN 0584-AC42

Child and Adult Care Food Program, Improved Targeting of Day Care Home Reimbursements; Correction and Extension of Comment Period

AGENCY: Food and Consumer Service, USDA.

ACTION: Interim rule; correction and extension of comment period.

SUMMARY: This document contains corrections to the preamble, regulatory text, and economic impact analysis (appendix) of the interim rule published on January 7, 1997 (62 FR 889). The interim rule contained changes required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 relating to the implementation of a two-tiered reimbursement structure for day care homes participating in the Child and Adult Care Food Program. The comment period is also being extended to provide the public sufficient opportunity to comment on the interim rule in light of these corrections.

DATES: Effective July 1, 1997, except for §§ 210.9(b)(20), 210.19(f), 226.6(f)(2) and 226.6(f)(9), which are effective March 10, 1997. To be assured of consideration, comments on the interim rule must be postmarked on or before May 7, 1997, except for comments on the information collection which must be received by March 10, 1997.

FOR FURTHER INFORMATION CONTACT: Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Consumer Service, Department of Agriculture, 3101 Park Center Drive, Room 1007, Alexandria, Virginia 22302 or telephone 703-305-2620.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1997, the Department published an interim rule incorporating provisions from the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193) concerning implementation of a two-tiered reimbursement structure for day care homes participating in the Child and Adult Care Food Program (CACFP). Under this structure, the level of reimbursement for meals served to enrolled children will be determined by economic need based on: the location of the day care home; the income of the day care provider; or the income of individual children's households.

However, the interim rule as published contains errors in the preamble, regulatory text, and economic impact analysis (appendix) that need correction.

Correction of Publication

Accordingly, the publication on January 7, 1997 at 62 FR 889 is corrected as follows:

1. On page 898, first column, the preamble is corrected by removing the second full paragraph and by adding three new paragraphs in its place to read as follows:

The claiming percentages/blended rates alternative set forth in section 708(e)(1) of the Act indicates that the claiming percentage or blended rate be established based on the percentage of identified income-eligible children enrolled in a home "in a specified month or other period." This interim regulation prescribes that the claiming percentage or blended rate be based on one month's data concerning the children enrolled in a particular day care home. The Department will allow sponsors to use either of two approaches to making this calculation, and is interested in receiving comments on whether both of these alternative methods should continue to be permitted.

The first alternative would involve the day care home submitting an attendance list for the specified month to the sponsor. The sponsor would then use the attendance list to determine the claiming percentage or blended rate for the home based on a weighted average of each enrolled child's level of participation during the month. The second alternative would involve a sponsor calculating the claiming percentage or blended rate based on a home's enrollment for an entire month using a list of enrolled children submitted by the day care home. The sponsor would assess the income eligibility status of each of the children

enrolled in the home during the month and, using the enrollment list, derive the appropriate claiming percentage or blended rate. For example, if a home's enrollment list for the month of January indicates that 10 children were enrolled during the month, the home's claiming percentage or blended rate would be based on the number of identified income-eligible children, divided by 10.

The Department believes that either of these methods will achieve greater accuracy in reimbursement payments than basing the six-month calculation on a single point in time (that is, one day's data, which could misrepresent typical enrollment or attendance in that home). Although the attendance list may impose an additional burden on the sponsor and day care homes, it would certainly provide a higher level of accuracy than using an enrollment list.

2. On page 899, third column, in the second full paragraph, line 10, the preamble is corrected by removing the word "submit" and replacing it with the word "collect".

3. On page 903, in line 1 of the second column, § 226.13(d)(3)(ii) is corrected by adding the words "one month's data concerning" after the words "basis of".

4. On page 904, third column, § 226.23(h)(6) is corrected by italicizing the paragraph heading "Verification procedures for sponsoring organizations of day care homes."

5. The appendix to the preamble which appears on pages 905-915 is corrected as follows:

a. On page 905, second column, in line 13 of the second full paragraph:

1. the words ", and supplements" are added after the word "breakfasts" in the parentheses;

2. the comma after the right parentheses is removed and replaced with a period; and

3. the words "and such" before the word "changes" are removed and the word "These" is added in their place.

b. On page 905, Table 1, in footnote a, in the first sentence, the first word "Percentage" is removed and the word "Percentages" is added in its place; and the word "hoseholds" is removed and the word "households" is added in its place.

c. On page 905, Table 1, in footnote a, in the second sentence, the word "to" is added after the word "propensities"; and the word "benefirts" is removed and the word "benefits" is added in its place.

d. On page 905, first column, in line 3, the first paragraph after Table 1, the words "Associates, Inc." are added after the word "Abt".

e. On page 906, Table 2, in the column labeled "Difference," a negative sign (–) is added before all of the numbers in the column.

f. On page 906, third column, the fourth line of text after Table 3, the word "ing" is removed and the words "the costs resulting" are added after the words "most of".

g. On page 907, Table 4, in the column labeled "Dollars," the number "– 332,324" is removed and the number "– 332,334" is added in its place.

h. On page 907, first column, after Table 4, in the third paragraph, on line 6, a period is added after the first occurrence of the word "DCHs".

i. On page 907, first column, after Table 4, in the third paragraph, on line 6, the words "Virtually all" are added after the newly added period.

j. On page 907, second column, after Table 4, in the last paragraph, in line 3, the footnote "3" is removed and a footnote "5" is added in its place.

k. On page 908, first column, in the last paragraph, on the third-to-last line, the word "er" is removed and the words "impact of \$133 per" are added.

l. On page 908, second column, in the second paragraph under the "Costs to Families" heading, on line 15, the word "recent" is removed and the words "represent a 10 percent" are added in its place.

m. On page 909, second column, in the first paragraph under the "Intended Effect of Tiering" heading, on line 5, a period is added after the words "P.L. 104–193".

n. On page 909, second column, in the first paragraph under the "Tiering Determination Burden" heading, line 13, the word "sponsor" is removed and the words "the DCH provider" are added in its place.

o. On page 909, third column, in the first full paragraph, line 23, the word "93–35" is removed and the word "97–35" is added in its place.

p. On page 909, third column, in the first full paragraph, line 32, the word "enrollment" is removed and the words "two types of income" are added in its place.

q. On page 910, first column, in the first full paragraph, line 13, the words "percent of" are added after the word "6", and the words "DCHs that are only area-eligible implies that 16 percent of all DCHs will be approved for tier I" are added after the words "6 percent of tier I".

r. On page 910, third column, in the paragraph under the heading "Data Collection and Reporting Burden for Sponsors," 4th from last line, the words "CACFP State" are added after the words "submits to its".

s. On page 912, second column, after Table 7, in the first paragraph, the words "The assumption that 40 percent of children in mixed tier II DCHs are income eligible. There is a clear financial incentive for providers to encourage their low-income families to submit income information to sponsors. This incentive and providers' close relationships with parents suggest that providers will attempt to persuade parents to provide the income information and will thereby achieve a response rate greater than the NSLP's 80 percent; ninety percent was chosen." are removed.

t. On page 912, third column, after Table 7, in the first full paragraph, line 20, the word "DC" is removed and the words "DCHs will be about" are added in its place.

u. On page 913, first column, after Table 8, in the first paragraph under the heading "Costs to CACFP State Agencies," line 19, the word "hof" is removed and the words "household income of" are added in its place.

v. On page 914, third column, in the footnote at the bottom of the column, the letter "m" is added to the beginning of the footnote.

Dated: January 30, 1997.

William E. Ludwig,

Administrator.

[FR Doc. 97–2942 Filed 2–5–97; 8:45 am]

BILLING CODE 3410–30–U

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. 96–054–2]

Ports Designated for the Exportation of Animals; Georgia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the "Inspection and Handling of Livestock for Exportation" regulations by adding Atlanta Hartsfield International Airport, Atlanta, GA, as a port of embarkation from which animals may be exported from the United States and by adding three Georgia facilities, the Atlanta Equine Complex in Atlanta, Tumbleweed Farm in Mableton, and Southern Cross Ranch in Madison, to the list of approved export inspection facilities. These actions update the regulations by adding a port and three inspection facilities through which animals may be processed for export.

EFFECTIVE DATE: March 10, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. Andrea Morgan, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, (301) 734–8354.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 91, "Inspection and Handling of Livestock for Exportation" (referred to below as the regulations), prescribe conditions for exporting animals from the United States. The regulations state, among other things, that all animals, except animals being exported by land to Canada or Mexico, must be exported through designated ports of embarkation.

Section 91.14(a) contains a list of designated ports of embarkation and export inspection facilities. To receive designation as a port of embarkation, a port must have export inspection facilities available for the inspection, holding, feeding, and watering of animals prior to exportation to ensure that the animals meet certain requirements specified in the regulations. To receive approval as an export inspection facility, the regulations provide that a facility must meet specified standards in § 91.14(c) concerning materials, size, inspection implements, cleaning and disinfection, feed and water, access, testing and treatment, location, disposal of animal wastes, lighting, office and restroom facilities, and walkways.

On October 7, 1996, we published in the Federal Register (61 FR 52387–52388, Docket No. 96–054–1) a proposal to amend the regulations by adding the Atlanta Equine Complex in Atlanta, GA, Tumbleweed Farm in Mableton, GA, and Southern Cross Ranch in Madison, GA, to the list in § 91.14(a) of designated export inspection facilities. We also proposed to add Atlanta Hartsfield International Airport, Atlanta, GA, to the list in § 91.14(a) of designated ports of embarkation.

We solicited comments concerning our proposal for 60 days ending December 6, 1996. We did not receive any comments. The facts presented in the proposed rule still provide the basis for this final rule.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule without change.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action,