

following ranges of comparability for use in required disclosures (including labeling) for compact-size dishwashers and gas-fired instantaneous water heaters beginning March 22, 2000; amends the cost calculation formulas in Appendices H and I to Part 305 that manufacturers of central air conditioners and heat pumps must include on fact sheets and in directories, effective March 22, 2000; and deletes Appendix D5 of Part 305, effective immediately.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a “significant economic impact on a substantial number of small entities.” 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix C to Part 305 is removed and Appendices C1 and C2 are added to read as follows:

Appendix C1 to Part 305—Compact Dishwashers

Range Information

“Compact” includes countertop dishwasher models with a capacity of fewer than eight (8) place settings. Place settings shall be in accordance with appendix C to 10 CFR part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

| Capacity | Range of estimated annual energy consumption (kWh/yr.) | |
|---------------|--|------|
| | Low | High |
| Compact | 277 | 426 |

Cost Information

When the above ranges of comparability are used on EnergyGuide labels for compact sized dishwashers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 1999 Representative Average Unit Costs for electricity (8.22¢ per kilowatt-hour) and natural gas (68.8 ¢ per therm), and the text below the box must identify the costs as such.

Appendix C2 to Part 305—Standard Dishwashers

Range Information

“Standard” includes portable or built-in dishwasher models with a capacity of eight (8) or more place settings. Place settings shall be in accordance with appendix C to 10 CFR part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

| Capacity | Range of estimated annual energy consumption (kWh/yr.) | |
|----------------|--|------|
| | Low | High |
| Standard | 344 | 699 |

Cost Information

When the above ranges of comparability are used on EnergyGuide labels for standard-sized dishwashers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 1997 Representative Average Unit Costs for electricity (8.31¢ per kilowatt-hour) and natural gas (61.2¢ per therm), and the text below the box must identify the costs as such.

3. Appendix D4 to Part 305 is revised to read as follows:

Appendix D4 to Part 305—Water Heaters—Instantaneous—Gas

Range Information

| Capacity (maximum flow rate); gallons per minute (gpm) | Range of estimated annual energy consumption (therms/yr. and gallons/yr.) | | | |
|--|---|------|---------------------|------|
| | Natural gas therms/yr. | | Propane gallons/yr. | |
| | Low | High | Low | High |
| Under 1.00 | 233 | 233 | 256 | 256 |
| 1.00 to 2.00 | 230 | 234 | 252 | 256 |
| 2.01 to 3.00 | 188 | 218 | 206 | 239 |
| Over 3.00 | 187 | 238 | 197 | 260 |

Cost Information

When the above ranges of comparability are used on EnergyGuide labels for instantaneous water heaters, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 1999 Representative Average Unit Costs for natural gas (68.8¢ per therm) and propane (77¢ per gallon), and the text below the box must identify the costs as such.

4. Appendix D5 to Part 305 is removed.

5. Appendix D6 to Part 305 is redesignated as Appendix D5.

6. In section 2 of Appendix H of part 305, the text and formulas are amended by removing the figure “8.42¢” wherever it appears and by adding, in its place, the figure “8.22¢”; and by removing the figure “12.64¢” wherever it appears and by adding, in its place, the figure “12.4¢”.

7. In section 2 of Appendix I of part 305, the text and formulas are amended by removing the figure “8.42¢” wherever it appears and by adding, in its place, the figure “8.22¢”; and by removing the figure “12.64¢” wherever it appears and by adding, in its place, the figure “12.34¢”.

By direction of the Commission.

Donald S. Clark,

Secretary.

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DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 20

[TD 8846]

RIN 1545–AV45

Deductions for Transfers for Public, Charitable, and Religious Uses; In General Marital Deduction; Valuation of Interest Passing to Surviving Spouse; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations which were published in the **Federal Register** on Friday, December 3, 1999, 64 FR 67763, relating to the effect of certain administration expenses on the valuation of property for marital and charitable deduction purposes.

DATES: This correction is effective December 3, 1999.

FOR FURTHER INFORMATION CONTACT: Deborah Ryan, (202) 622–3090 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are subject to these corrections are under section 2055 and 2056 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 8846) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8846), which were the subject of FR Doc. 99-31094, is corrected as follows:

§ 20.2055-3 [Corrected]

1. On page 67765, column 1, § 20.2055-3(b)(1)(ii), line 5 from bottom of the paragraph, the language “related to investment, preservation, and” is corrected to read “related to investment, preservation, or”.

§ 20.2056(b)-4 [Corrected]

2. On page 67765, column 3, § 20.2056(b)-4(d)(1)(ii), line 5 from the bottom of the paragraph, the language “related to investment, preservation, and” is corrected to read “related to investment, preservation, or”.

3. On page 67766, column 3, § 20.2056(b)-4(d)(5), Example 5, line 6 from the bottom of the paragraph, the language “remains \$1,800,000. The applicable” is corrected to read “is \$2,000,000. The applicable”.

4. On page 67766, column 3, § 20.2056(b)-4(d)(5), Example 5, lines 2 and 3 from the bottom of the paragraph, the language “trust and \$200,000 of the \$2,000,000 passing to the marital trust so that the amount of” is corrected to read “trust so that the amount of”.

5. On page 67766, column 3, § 20.2056(b)-4(d)(5), Example 7, line 7, the language “decendent’s child. Under the terms of the” is corrected to read “decendent’s child. Under the terms of the governing instrument and”.

Cynthia E. Grigsby,

Chief, Regulations Unit,

Assistant Chief Counsel (Corporate).

[FR Doc. 99-32915 Filed 12-17-99; 8:45 am]

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DEPARTMENT OF JUSTICE

Office of Justice Programs

28 CFR Part 91

[OJP(OJP)-1258]

RIN 1121-ZB92

**Corrections Program Office’s
Interpretation of Eligibility
Requirements for Truth-in-Sentencing
Incentive Grants Under 42 U.S.C.
13704(a)(2)**

AGENCY: Office of Justice Programs,
Corrections Program Office, Justice.

ACTION: Interpretive rule.

SUMMARY: The Corrections Program Office, Office of Justice Programs, U.S. Department of Justice, is publishing an interpretive rule which reiterates current law to remind States awarded funds under the Truth-in-Sentencing Incentive Grants program, 42 U.S.C. 13704, of the pre-existing eligibility requirements for receiving and retaining funds under subsection (a)(2) of the statute. This interpretive rule also advises recipient States of OJP’s existing enforcement policy for non-compliance with the statutorily-mandated grant terms.

EFFECTIVE DATE: This interpretive rule is effective on December 20, 1999.

FOR FURTHER INFORMATION CONTACT: Phil Merkle, Special Advisor to the Director, Corrections Program Office, Office of Justice Programs, 810 Seventh Street, NW, Washington, DC 20531. Telephone: (202) 305-2550; Fax: (202) 307-2019.

SUPPLEMENTARY INFORMATION:**Background***Purpose*

The Corrections Program Office, Office of Justice Programs (OJP) is issuing this interpretive rule to make explicit its interpretation and application of the eligibility requirements in section 13704(a)(2) of the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program (“VOI/TIS”), 42 U.S.C. 13704 *et seq.* This document is designed to aid States in assessing their continuing eligibility for federal Truth-in-Sentencing funding and sets forth situations in which OJP will exercise its enforcement discretion. This interpretive rule does not create or destroy any rights, assign any new duties, or impose any additional obligations, implied or otherwise.

Authority

OJP, as the agency charged with administering and enforcing the VOI/

TIS grant program, has inherent authority to issue interpretive rules informing the public of the procedures and standards it intends to apply in exercising its discretion. Moreover, OJP’s construction of the VOI/TIS statute, in this instance, merely amounts to implementing existing positive law previously legislated by Congress.

Truth-in-Sentencing Incentive Grant Program

As part of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 (“1994 Crime Bill”), Congress enacted the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program, 42 U.S.C. 13701 *et seq.*, which offered prison construction grants and other correctional institution improvement funding to encourage States to adopt tougher sentencing policies for violent offenders.

In the FY 1996 Omnibus Appropriations Act, Public Law 104-134, Congress significantly amended this legislation. Currently, the Truth-in-Sentencing Incentive Grants program provides funds for eligible States to build or expand correctional facilities for the purpose of incarcerating criminals convicted of committing violent crimes. 42 U.S.C. 13704. To qualify for grant funding, States must have in effect sentencing laws that either provide for violent offenders to serve not less than 85% of their sentences, or must meet other requirements that ensure that violent offenders remain incarcerated for substantially greater percentages of their imposed sentences. 42 U.S.C. 13704(a).

Qualification as an Interpretive Rule

This interpretive rule highlights and discusses the grant eligibility requirements in section 13704(a)(2) of the Truth-in-Sentencing Incentive Grants Act to make certain that States awarded grant funds under this provision fully understand their legal duty to implement qualifying truth-in-sentencing laws within the three-year statutory time frame. Because this rule merely explains, rather than adds to, the substantive law that already exists, it is exempt from legislative rulemaking procedures.

Specifically, this rule qualifies as an interpretive rule under the Administrative Procedure Act because it is a rule or statement issued by an agency to advise the public of the agency’s construction of one of the statutes it administers. See, e.g., *Shalala, Secretary of Health and Human Services v. Guernsey Memorial Hosp.*, 514 U.S. 87, 99 (1995). This rule does