

Dated: March 22, 2000.

By the Board of Directors of the Federal Housing Finance Board:

**Bruce A. Morrison,**

*Chairman.*

[FR Doc. 00-8116 Filed 3-31-00; 8:45 am]

BILLING CODE 6725-01-P

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 120

#### Business Loan Program

**AGENCY:** Small Business Administration (SBA).

**ACTION:** Final rule.

**SUMMARY:** This final rule would implement Public Law 106-22, enacted on April 27, 1999, which establishes new rules for the loan loss reserve fund which an intermediary must maintain to participate in SBA's microloan program.

**DATE:** This rule is effective on April 3, 2000.

**FOR FURTHER INFORMATION CONTACT:** Jody Raskind, 202-205-6497.

**SUPPLEMENTARY INFORMATION:** Public Law 106-22, enacted on April 27, 1999, amended section 7(m) of the Small Business Act (15 U.S.C. 636(7)(m)) in order to change the requirements for the loan loss reserve fund (LLRF) which each intermediary in the SBA's microloan program must maintain. The LLRF is an interest-bearing deposit account at a bank. An intermediary must establish an LLRF to pay any shortage in its day-to-day revolving account caused by delinquencies or losses on microloans it makes to qualified small business borrowers. An intermediary must maintain the LLRF until it repays all obligations it owes to the SBA.

On July 26, 1999, SBA published a proposed rule in the **Federal Register** (64 FR 40310). Since SBA received no comments, it is publishing in final the rule as proposed and making it effective on the date of publication in the **Federal Register**.

Under the present rule, an intermediary, during its first year in the microloan program, must maintain its LLRF at a level equal to at least 15 percent of the total outstanding balance of notes receivable owed to it by its microloan borrowers (Portfolio). Thereafter, the minimum balance that an intermediary must maintain in its LLRF must be the percent of its Portfolio equal to its actual average loan loss rate after its first year in the microloan program. The maximum level of the LLRF, under the present rule, cannot

exceed 15 percent of the Portfolio. There is no prescribed minimum level.

Under the final rule, until the intermediary is in the microloan program for at least five years, it would be required to maintain a balance on deposit in its LLRF equal to 15 percent of its Portfolio. After an intermediary is in the microloan program for five years, it may request SBA's Associate Administrator for Financial Assistance (AA/FA) to grant the intermediary's request to reduce the percentage of its Portfolio which it must maintain in its LLRF to an amount equal to its actual average loan loss rate during the preceding five year period. The AA/FA would review the intermediary's annual loss rate for that five-year period and determine whether he or she should grant the intermediary's request. The AA/FA could not reduce the loan loss reserve to under ten percent of the Portfolio.

Under the final rule, to get a reduction in its loan loss reserve, an intermediary must demonstrate to the satisfaction of the AA/FA that (1) its average annual loss rate during the preceding five years is under fifteen percent, and (2) no other factors exist that might impair its ability to repay all obligations which it may owe to SBA under the microloan program.

#### **Compliance With Executive Orders 13132, 12988 and 12866, the Regulatory Flexibility Act (5 U.S.C. 601-612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)**

This final rule does not constitute a significant rule within the meaning of Executive Order 12866, since it is not likely to have an annual effect on the economy of \$100 million or more, result in a major increase in costs or prices, or have a significant adverse effect on competition or the U.S. economy.

SBA has determined that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612. SBA estimates that there are a total of 130 microintermediaries who are small entities that will be affected by this rule. However, SBA does not believe that this rule will have a significant economic impact because this rule relates only to Microloan Program intermediaries' internal accounting procedures and is not expected to have any economic effect.

SBA has determined that this final rule does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. chapter 35.

For purposes of Executive Order 13132, SBA has determined that this final rule has no federalism implications.

For purposes of Executive Order 12988, SBA certifies that this final rule is drafted, to the extent practicable, to accord with the standards set forth in section 3 of that Order.

#### **List of Subjects in 13 CFR Part 120**

Loan programs—business.

For the reasons stated in the preamble, under the authority in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration amends 13 CFR part 120 as follows:

#### **PART 120—BUSINESS LOANS**

1. The authority citation for Part 120 continues to read as follows:

**Authority:** 15 U.S.C. 634(b)(6) and 636(a) and (h).

2. Amend § 120.710 by revising paragraphs (b) and (c) and by adding paragraphs (d) and (e) to read as follows:

#### **§ 120.710 What is the Loan Loss Reserve Fund?**

\* \* \* \* \*

(b) *Level of Loan Loss Reserve Fund.* Until it is in the Microloan program for at least five years, an Intermediary must maintain a balance on deposit in its LLRF equal to 15 percent of the outstanding balance of the notes receivable owed to it by its Microloan borrowers ("Portfolio").

(c) *SBA review of Loan Loss Reserve Fund.* After an Intermediary has been in the Microloan program for five years, it may request SBA's Associate Administrator for Financial Assistance ("AA/FA") to reduce the percentage of its Portfolio which it must maintain in its LLRF to an amount equal to the actual average loan loss rate during the preceding five-year period. Upon receipt of such request, the AA/FA will review the Intermediary's annual loss rate for the most recent five-year period preceding the request.

(d) *Reduction of Loan Loss Reserve Fund.* The AA/FA has the authority to reduce the percentage of an Intermediary's Portfolio that it must maintain in its LLRF to an amount equal to the actual average loan loss rate during the preceding five-year period. The AA/FA can not reduce the LLRF to less than ten percent of the Portfolio.

(e) *What must an intermediary demonstrate to get a reduction in Loan Loss Reserve Fund?* To get a reduction in its LLRF, an Intermediary must demonstrate to the satisfaction of the AA/FA that:

(1) Its average annual loss rate during the preceding five years is less than fifteen percent, and

(2) No other factors exist that may impair the Intermediary's ability to repay all obligations which it owes to the SBA under the Microloan program.

Dated: March 24, 2000.

**Aida Alvarez,**  
Administrator.

[FR Doc. 00-8117 Filed 3-31-00; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

[DEA-200C]

#### Schedules of Controlled Substances: Scheduling of Gamma Hydroxybutyric Acid Into Schedule I; Correction

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to the final regulations (DEA-200F) which were published on Monday, March 13, 2000 (65 FR 13235). These regulations relate to the placement of gamma hydroxybutyric acid (GHB) and its salts, isomers and salts of isomers into Schedule I of the Controlled Substances Act pursuant to Public Law 106-172.

**EFFECTIVE DATE:** April 3, 2000.

**FOR FURTHER INFORMATION CONTACT:** Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, (202) 307-7183.

**SUPPLEMENTARY INFORMATION:** The final regulations that are the subject of these corrections amend title 21, Code of Federal Regulations (CFR), chapter II. As published, the final regulations contained errors that could cause confusion. Specifically, the final regulations published on March 13, 2000 (65 FR 13235) did not take into account the amendment of 21 CFR 1308.13 that was included in a Final Rule published by DEA on July 13, 1999 (64 FR 37673), which became effective on August 12, 1999.

Accordingly, the publication on March 13, 2000, of the final regulations to amend part 1308 which were the subject of **Federal Register** document 00-5925 (65 FR 13235), is corrected as follows:

## PART 1308—[CORRECTED]

1. The authority citation for 21 CFR part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b) unless otherwise noted.

2. On page 13238, in the third column, correct amendatory instruction #3 to read as follows:

\* \* \* \* \*

3. Section 1308.13 is amended by redesignating the existing paragraphs (c)(5) through (c)(12) as (c)(6) through (c)(13) and by adding a new paragraph (c)(5) to read as follows:

\* \* \* \* \*

Dated: March 27, 2000.

**Donnie R. Marshall,**  
Deputy Administrator.

[FR Doc. 00-8047 Filed 3-31-00; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### 32 CFR Part 581

[AR 15-185]

#### Army Board for Correction of Military Records

**AGENCY:** Assistant Secretary of the Army for Manpower and Reserve Affairs, DOD.

**ACTION:** Final rule.

**SUMMARY:** This final rule is a revision of the regulation on the Army Board for Correction of Military Records. This revision updates information on the policy and procedures for the operation of the Army Board for Correction of Military Records; implements that portion of 10 U.S.C. 1034, and that portion of Department of Defense Directive (DODD) 7050.6, Military Whistleblower Protection, that pertain to actions by the Army Board for Correction of Military Records; implements Department of Defense Instruction (DODI) 1336.6, Correction of Military Records; prescribes DD Form 149, Application for Correction of Military Record, under the provisions of 10 U.S.C. 1552 and eliminates those portions pertaining to the process of applying to the Army Board for Correction of Military Records, transferring them to a Department of the Army Pamphlet.

**EFFECTIVE DATE:** March 29, 2000.

**ADDRESSES:** Department of the Army, The Army Review Boards Agency, ATTN: SFMR-RBR, 1941 Jefferson

Davis Highway, Arlington, VA 22202-4508.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary L. Howell, Military Personnel Management Specialist, 703-607-1612, FAX 703-602-0935, email address: howelml@hqda.army.mil.

## SUPPLEMENTARY INFORMATION:

### a. Background

Basic revised information on Army Board for Correction of Military Records was previously published in the **Federal Register**, Volume 63, No. 188, pages 51875-51878, September 29, 1998 for public comment.

### b. Comments and Responses

**Comment:** Only one respondent provided comment. The respondent objected to the authority of the ABCMR staff to review and reject requests for reconsideration without Board consideration.

**Response:** The respondent had a different interpretation of the ABCMR staff's authority and a different definition of a "request for reconsideration" which was noted. The staff in its administrative review can only reject a request for reconsideration if it fails to meet the published criteria for a proper request for reconsideration. There were no changes in policy made as a result of the respondent's comments.

### Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, this final rule will not have an annual effect on the economy of \$100 million or have a significant impact on a substantial number of small entities. The final rule only concerns the correction of information in Federal records that pertain to individuals.

### Paperwork Reduction Act

In compliance with The Paperwork Reduction Act, information collection is required on Department of Defense Form 149 titled "Application for Correction of Military Record". The form is necessary to identify specific types of information in support of the Army Board requirements. The form was approved previously by the Office of Management Budget (OMB) and assigned OMB Control No. 0704-0003.

### Executive Order 12612, Federalism

This final rule has no significant federalism implications to warrant preparation of a Federalism Assessment under the principles and criteria in E.O. 12612.