

for these establishments. Non-member private sector or State and local government employers whose establishments are located within the borders of Indian reservations or Trust lands and member employers located outside the territorial borders of Indian reservations or Trust lands remain under State plan jurisdiction. This addendum expands upon and supersedes the March 30, 1987 addendum addressing the Yakama Indian Nation and is compatible with the November 17, 1989 agreement with the Colville Confederated Tribes.

B. Location of Supplement for Inspection and Copying

A copy of the addendum to the operational status agreement and related correspondence may be obtained from: Office of State Programs, Directorate of Cooperative and State Programs, Occupational Safety and Health Administration, Room N3700, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693-2244, fax (202) 693-1671; Office of the Regional Administrator, Occupational Safety and Health Administration, 1111 Third Avenue, Suite 715, Seattle, Washington, 98101-3212, (206) 553-5930, fax (206) 553-6499; and the State of Washington, Department of Labor and Industries, 7273 Linderson Avenue SW., Tumwater, Washington 98504-4600, (360) 902-5430, fax (360) 902-5529. Other information about the Washington state plan is posted on the State's Web site at <http://www.lni.wa.gov/wisha>. For an electronic copy of this **Federal Register** notice, see OSHA's Web site at <http://www.osha.gov>.

C. Public Participation

Under 29 CFR 1953.3(e) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. Washington's determination that certain Indian-operated establishments are no longer an issue covered under the State's plan is already in effect per agreement with OSHA and as a result of the State's inability to exercise legal authority. Additionally, a previous addendum to the State's operational status agreement provides for the limited resumption of federal enforcement authority at the State's request if necessary to protect the safety and health of workers in the State; this notice implements that provision. Accordingly, OSHA finds that public participation is unnecessary, and this notice of approval is effective upon publication in the **Federal Register**.

List of Subjects in 29 CFR Part 1952

Indians, Intergovernmental relations, Law enforcement, Occupational safety and health.

Signed at Washington, DC, this 6th day of April, 2004.

John L. Henshaw,
Assistant Secretary.

■ For the reasons set out in the preamble, 29 CFR part 1952 is amended as set forth below:

PART 1952—[AMENDED]

■ 1. Revise the authority citation for part 1952 to read as follows:

Authority: Sec. 18 of the Occupational Safety and Health Act of 1970, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902; Secretary of Labor's Order No. 5-2002 (67 FR 65007, October 22, 2002).

■ 2. Section 1952.122 is amended by—

■ A. Removing paragraph (a)(9) and revising paragraph (a)(8).

■ B. Redesignating paragraphs (a)(10) and (a)(11) as paragraphs (a)(9) and (a)(10).

The revised text reads as follows:

§ 1952.122 Level of Federal enforcement.

(a) * * *

(8) Enforcement at establishments of employers who are federally recognized Indian Tribes or enrolled members of these Tribes—including establishments of the Yakama Indian Nation and Colville Confederated Tribes, which were previously excluded by the State in 1987 and 1989 respectively—where such establishments are located within the borders of Indian reservations, or on lands outside these reservations that are held in trust by the Federal government for these Tribes. (Non-member private sector or State and local government employers located within a reservation or on Trust lands, and member employers located outside the territorial boundaries of a reservation or Trust lands, remain the responsibility of the State.);

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CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Part 2551

RIN 3045-AA29

Senior Companion Program; Amendments

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: These amendments to the regulations governing the Senior Companion Program (SCP) modify provisions concerning deductions for medical expenses and the allowability of certain volunteer expense items. The specific amendments are as follows: § 2551.42(c) is modified to increase the ceiling on medical expenses that may be deducted for determining income for eligibility purposes from 15 percent to 50 percent of the applicable income guideline; and §§ 2551.45 and 2551.93(d) are modified to allow project funds, including the required non-Federal share, to be used to reimburse volunteers for expenses, including transportation costs, incurred while performing volunteer assignments, and for purchase of equipment or supplies for volunteers on assignment.

DATES: These amendments are effective as of April 19, 2004.

FOR FURTHER INFORMATION CONTACT: Peter L. Boynton, 202-606-5000, ext. 499.

SUPPLEMENTARY INFORMATION: The Corporation published a notice of proposed rulemaking (NPRM) for the Senior Companion Program, 45 CFR part 2551, in the **Federal Register** at 69 FR 6225, dated February 10, 2004.

Summary of Main Comments

In response to the Corporation's invitation in the notice of proposed rulemaking, the Corporation received 36 responses addressing the proposed amendments to the Senior Companion rules. All 36 respondents supported the proposed amendments modifying the medical expense deduction. Those who provided explanations for why they favored these amendments generally noted that it would permit a larger number of individuals with high medical expenses to serve, thus increasing the number of income-eligible volunteers and broadening their recruitment potential. Several noted that they have had to turn away volunteers who were only slightly over income, and this change would have enabled them to be enrolled. Concerning the amendments that would allow project funds to be used to reimburse volunteers for certain expenses that now may be paid only by the volunteer station, 16 responses expressed support, 1 expressed partial support, and 19 did not comment. Reasons cited for supporting the amendment included: (a) The possibility of developing innovative high-impact volunteer opportunities, (b) the value of increased flexibility to manage funds in accordance with local

needs, (c) the need to reimburse transportation expenses in rural areas, and (d) the desire to provide Senior Companions with certain supplies that they can use on any assignment, regardless of the volunteer station they are assigned to. Other specific comments and the Corporation's responses follow:

Comment: In addition to increasing the medical expense deduction, the income eligibility guidelines for Senior Companions should be increased or eliminated.

Response: The Domestic Volunteer Service Act currently stipulates that volunteers receiving stipends must have incomes at or below 125% of the poverty level. This provision may not be changed by regulation. In "Principles and Reforms for a Citizen Service Act," issued by President Bush April 9, 2002, the Administration proposed to eliminate the limits on income of Senior Companions receiving stipends. This continues to be the position of the Administration.

Comment: Grantees should not be allowed to use project funds to pay for expenses volunteers incur in transporting clients; these should remain the responsibility of the volunteer station.

Response: Under the modified regulation, grantees are free to establish their own policies regarding which assignment-related expenses volunteer stations must be responsible for under the memorandum of understanding between the grantee and the volunteer station.

Impact of Various Acts and Executive Orders

After carefully reviewing the changes implemented by this amendment, and after coordination with the Office of Management and Budget, it was determined that:

(1) This was a significant regulatory action under section 3(f)(4) of Executive Order 12866 "Regulatory Planning and Review", and required a review by the Office of Management and Budget;

(2) The Corporation hereby certifies that the Regulatory Flexibility Act does not apply because there is no "significant economic impact on a substantial number of small entities";

(3) That the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II) does not apply because the amendment does not result in any annual expenditures of \$100 million by State, local, Indian tribal governments or the private sector;

(4) That the Paperwork Reduction Act does not apply because the amendments

do not impose any additional reporting or record-keeping requirements;

(5) That the Small Business Regulatory Enforcement Fairness Act of 1996 does not apply because it is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, and would not result in an annual effect on the economy of \$100 million or more; result in an increase in cost or prices; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets; and

(6) That Executive Order 13132, "Federalism" does not apply because it would not have substantial direct effects on the States or the relationship between the national government and the States.

List of Subjects in 45 CFR Part 2551

Aged, Grant programs—social programs, Volunteers.

■ For the reasons set forth in the preamble, the Corporation for National and Community Service amends 45 CFR part 2551 as follows:

PART 2551—THE SENIOR COMPANION PROGRAM

■ 1. The authority citation for part 2551 continues to read as follows:

Authority: 42 U.S.C. 4950 *et seq.*

§ 2551.42 [Amended]

■ 2. In § 2551.42(c), remove the words "15 percent" and add the words "50 percent" in their place.

§ 2551.45 [Amended]

■ 3. In § 2551.45, add a new paragraph (g), to read as follows:

§ 2551.45 What cost reimbursements are provided to Senior Companions?

* * * * *

(g) *Other volunteer expenses.* Senior Companions may be reimbursed for expenses incurred while performing their volunteer assignments provided these expenses are described in the Memorandum of Understanding negotiated with the volunteer station to which the volunteer is assigned, and there are sufficient funds available to cover these expenses and meet all other requirements identified in the notice of grant award.

§ 2551.93 [Amended]

■ 4. In § 2551.93, remove paragraph (d) and redesignate paragraphs (e) through (i) as paragraphs (d) through (h).

Dated: April 7, 2004.

Tess Scannell,

Director, National Senior Service Corps.

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CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Part 2553

RIN 3045-AA29

Retired and Senior Volunteer Program; Amendments

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: These amendments to the regulations governing the Retired and Senior Volunteer Program (RSVP) modify provisions concerning the allowability of certain volunteer expense items. The specific amendments are as follows: §§ 2553.43 and 2553.73(d) are modified to allow project funds, including the required non-Federal share, to be used to reimburse volunteers for expenses, including transportation costs, incurred while performing volunteer assignments, and for purchase of equipment or supplies for volunteers on assignment.

DATES: These amendments are effective as of April 19, 2004.

FOR FURTHER INFORMATION CONTACT: Peter L. Boynton, 202-606-5000, ext. 499.

SUPPLEMENTARY INFORMATION: The Corporation published a notice of proposed rulemaking (NPRM) for the Retired and Senior Volunteer Program, 45 CFR part 2553, in the **Federal Register** at 69 FR 6228, dated February 10, 2004.

Summary of Main Comments

In response to the Corporation's invitation in the notice of proposed rulemaking, the Corporation received 12 responses addressing the proposed amendments to the Retired and Senior Volunteer Program rules. 11 responses expressed support for the proposed amendments, and one expressed partial support. Reasons for favoring the amendments included: (a) The need for flexibility for an RSVP project to run its own programs; (b) creation of more options for volunteer placement; (c) improved ability to meet certain community needs; and (d) transportation needs and costs in rural areas. Related comments and the Corporation's responses follow: