§ 416.926 Medical equivalence for adults and children.

* * * * *

(c) *Who is a designated medical or psychological consultant.* * * * A medical consultant must be an acceptable medical source identified in § 416.913(a)(1) or (a)(3) through (a)(5). * * *

* * * * *

Subpart J—[Amended]

13. The authority citation for subpart J of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1614, 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1382c, 1383, and 1383b).

14. Section 416.1016 is amended by revising the first sentence of the introductory paragraph to read as follows:

§ 416.1016 Medical or psychological consultant.

A medical consultant must be an acceptable medical source identified in § 416.913(a)(1) or (a)(3) through (a)(5). * * *

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[FR Doc. 98–27077 Filed 10–8–98; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 35, 36, and 37

[Docket No. FR–3482–N–05]

RIN 2501–AB57

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Notice of Additional Information and Analysis on Determination of No Significant Economic Impact on Substantial Number of Small Entities

AGENCY: Office of the Secretary—Office of Lead Hazard Control, HUD.

ACTION: Notice of additional information and analysis on determination of no significant economic impact on substantial number of small entities.

SUMMARY: This notice pertains to a proposed rule published by HUD in the **Federal Register** on June 7, 1996 that would implement sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992. The June 7, 1996 rule advised that HUD had determined that the proposed regulatory requirements would not have a significant economic impact on a substantial number of small entities. HUD continues to believe that this determination was correct. The Department is publishing this notice to provide the public with additional details regarding the reasons for this determination. HUD requests written public comment on this analysis of the impact of the rule on small entities, in accordance with the Regulatory Flexibility Act.

DATES: Comment due date. Comments on this notice must be received on or before November 9, 1998.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410–0500. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. Facsimile (FAX) comments are *not* acceptable.

FOR FURTHER INFORMATION CONTACT: Steve Weitz, Office of Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410–0500. Telephone: (202) 755–1785, ext. 106 (this is not a toll-free number). E-Mail: Stevenson__P.__Weitz@hud.gov. Hearing or speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Need for and Objectives of the June 7, 1996 Proposed Rule

The Lead-Based Paint Poisoning Prevention Act of 1971, as amended, directs the U.S. Department of Housing and Urban Development (HUD) to establish procedures to eliminate to the extent practicable lead-based paint hazards in federally associated housing. HUD issued implementing regulations in 1976 and made department-wide revisions in 1986, 1987, and 1988. In 1992, Congress passed the Residential Lead-Based Paint Hazard Reduction Act, which was Title X of the Housing and Community Development Act of 1992 (Title X). Sections 1012 and 1013 of Title X amend the Lead-Based Paint Poisoning Prevention Act to require specific new procedures for lead-based paint notification, evaluation, and hazard reduction activities in housing receiving Federal assistance (section 1012) and federally owned housing at the time of sale (section 1013).

In enacting Title X, the Congress found that low-level lead poisoning is widespread among American children, with minority and low-income communities disproportionately affected; that, at low levels, lead poisoning in children causes IQ deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and that the health and development of children living in as many as 3.8 million homes is endangered by chipping or peeling lead paint, or excessive amounts of lead-contaminated dust in their homes.

Among the stated purposes of Title X are to implement, on a priority basis, a broad program to evaluate and reduce lead-based paint hazards in the Nation's housing stock; to ensure that the existence of lead-based paint hazards is taken into account in the development of Government housing policies and in the sale, rental, and renovation of homes and apartments; and to reduce the threat of childhood lead poisoning in housing owned, assisted, or transferred by the Federal Government.

On June 7, 1996 (61 FR 29170), HUD published a proposed rule that would implement the requirements of Title X. The proposed rule set forth new requirements for lead-based paint hazard notification, evaluation, and reduction for federally owned residential property and housing receiving Federal assistance.

The proposed rule took into consideration the substantial advancement of lead-based paint remediation technologies and the improved understanding of the causes of childhood lead poisoning by scientific and medical communities. Perhaps the most important results of research on this subject during the last 10–12 years have been (1) the finding that lead in house dust is the most common pathway of childhood lead exposure and (2) the measurement of the statistical relationship between levels of lead in house dust and lead in the blood of young children. The June 7, 1996 rule proposed to update the existing HUD regulations to reflect this knowledge, giving importance to procedures that identify and remove dust-lead hazards as well as chipping, peeling or flaking lead-based paint.

The June 7, 1996 rule also proposed also to offer a consolidated, uniform approach to addressing lead-based paint hazards. Currently, each individual HUD program has a separate set of lead-based paint requirements incorporated into its program regulations. The

proposed regulation would consolidate the HUD lead-based paint regulations and would group requirements by type of housing assistance, rather than by individual program. For example, the rule contains sections that address single family mortgage insurance, multifamily mortgage insurance, project-based assistance, rehabilitation assistance, public housing, and tenant-based assistance.

Moreover, the June 7, 1996 rule proposed to use a clear and consistent set of terms to specify notification, evaluation, and hazard reduction requirements. Organizing the requirements by the type of housing assistance and using new terminology will avoid subjecting properties receiving assistance from more than one program to inconsistent or redundant HUD lead-based paint requirements. These changes will also ease the burden on HUD clients in locating and understanding the applicable requirements and help ensure that lead hazards are identified and safely reduced.

II. Public Involvement in Rulemaking

Because of the magnitude of the changes required in HUD's lead-based paint regulations and the potential impact of these changes, public involvement was important to the proposed rulemaking process (and remains important in the final rule stages). The three main avenues for public involvement in the development of the proposed rule were the development of the 1995 HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (HUD Guidelines), the recommendations from the Task Force on Lead-Based Paint Hazard Reduction and Financing (Task Force), and three meetings with HUD clients to seek comment on the implementation of Title X. In addition to these three methods of public involvement, there was, of course, the opportunity for public comment on the proposed rule itself.

The HUD Guidelines were mandated by section 1017 of Title X and are intended to help property owners, government agencies and private contractors sharply reduce children's exposure to lead-based paint hazards, without adding unnecessarily to the cost of housing. They were developed by housing, public health and environmental professionals with broad experience in lead-based paint hazard identification and control. Over 50 individuals from outside the Government have participated in the writing and review of the Guidelines, which form the basis for many of the lead-based paint hazard evaluation and reduction methods described in the rule.

The Task Force on Lead-Based Paint Hazard Reduction and Financing (Task Force) was mandated by section 1015 of Title X to address sensitive issues related to lead-based paint hazards in private housing, including standards of hazard evaluation and control, financing, and liability and insurance for rental property owners and hazard control contractors. The Task Force submitted its recommendations, *Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing,* to then-HUD Secretary Henry Cisneros and Environmental Protection Agency (EPA) Administrator Carol Browner in July 1995. Many if not most of the Task Force members represented small entities. Members of the Task Force included representatives from Federal agencies, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the building and construction industry, landlords, tenants, primary lending institutions, private mortgage insurers, single family and multifamily real estate interests, nonprofit housing developers, property liability insurers, public housing agencies, low-income housing advocacy organizations, lead-poisoning prevention advocates and community-based organizations serving communities at high-risk for childhood lead poisoning. The Task Force report was an important contribution to the development of the proposed rule.

Prior to the development of the proposed rule, the Department held three meetings with HUD clients on the potential implications of Title X on HUD programs. The meetings involved HUD constituents, grantees, and field staff of the Offices of Public and Indian Housing (PIH), Community Planning and Development (CPD), and Housing, as well as advocacy and tenant representatives. Participants shared their thoughts on several Title X issues including: Risk assessment and interim controls, hazard reduction activities during the course of rehabilitation, occupant notice of hazard evaluation and reduction activities, and responding to children with elevated blood-lead levels. Additional written comments were accepted from participants after the meetings.

Under the authority of Title X, HUD published the June 7, 1996 proposed rule in the **Federal Register**, requesting comments on or before September 5, 1996. Of the 93 comments, more than a third came from agencies of State or local government: community development agencies, public housing authorities, planners, mayors, health departments and other organizations directly or indirectly involved with federally assisted programs involving housing. Comments were also received from groups representing the housing and community development industry, hospitals, physicians or health agencies, lead poisoning prevention advocacy groups, broadly based environmental groups, and law firms or legal aid organizations. Housing developers, consultants or experts on some aspect of the rule, standards-setting entities, and a bank, a secondary mortgage market organization, a coalition of tenant action groups, a child welfare group, and an advocacy group representing industries that manufacture or use lead also submitted comments. Few commenters spoke explicitly to the concerns of small entities.

III. Proposed Rule Requirements

The June 7, 1996 rule proposed to establish the following types of lead-based paint requirements: (1) Distribution of a lead hazard information pamphlet, (2) notice to occupants of evaluation and hazard reduction activities, (3) evaluation of lead-based paint hazards, (4) reduction of lead-based paint hazards, (5) ongoing monitoring and reevaluation, and (6) response to a child with an elevated blood lead level.

Lead hazard information pamphlet. The June 7, 1996 rule proposed to require the distribution of the EPA brochure entitled, ''Protect Your Family From Lead in Your Home'' to all existing tenants or owner-occupants who have not already received it in compliance with the lead-based paint disclosure rule (24 CFR part 35, subpart H). Since the disclosure rule was effective in the fall of 1996, HUD expects that most tenants will have already received the pamphlet when the final rule is issued and becomes effective late in 1999 (see discussion of effective date below).

Resident Notice. The June 7, 1996 rule, in accordance with Title X, proposed to require that occupants of rental housing receiving Federal assistance be provided written notice of risk assessments, paint inspections, or hazard reduction activities required by this regulation and undertaken at the property. This was proposed as a new requirement in HUD regulations. The required notice following risk assessment or inspection provides information to occupants about the nature, scope, and results of the evaluation and a name and phone number to contact for more information or for access to the actual evaluation

reports. Notices to tenants regarding hazard reduction activities must contain information about the treatments performed and the location of any remaining lead-based paint. HUD anticipates that owners and others affected by the new lead-based paint hazard control regulations may require guidance on how to prepare a summary of hazard evaluation and reduction activities. For this reason, HUD is considering providing a ''model summary'' in the final rule that will describe the information that should be made available to tenants when lead-based paint activities are conducted.

Evaluation. The June 7, 1996 rule, in accordance with Title X, proposed to establish two main types of evaluation procedures: A lead-based paint inspection, which is a surface-by-surface investigation to determine the presence of lead-based paint on painted surfaces of a dwelling, typically through the use of a portable X-ray fluorescence (XRF) analyzer; and a risk assessment, which is an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards, which, in accordance with Title X, include dust-lead and soil-lead hazards as well as deteriorated lead-based paint, as well as lead-based paint on friction, impact and chewable surfaces. A risk assessment includes limited dust wipe sampling or other environmental sampling techniques, identification of hazard reduction options, and a report explaining the results of the investigation. In some housing programs, the proposed rule calls for a visual assessment instead of a lead-based paint inspection or risk assessment. A visual assessment does not require environmental sampling but requires the visual examination of interior and exterior painted surfaces for signs of deterioration. The June 7, 1996 rule proposed to require different types of evaluation for different types of housing assistance programs and different ages of housing. The differences in the requirements largely reflect the extent of Federal involvement in the property or the availability of funding.

Existing HUD lead-based paint regulations require a visual inspection for defective paint surfaces and, in some cases, testing of and abatement of any lead-based paint on chewable paint surfaces. These methods are similar in kind to the visual assessment and paint testing requirements under the proposed rule.

In order to ensure that evaluation activities are properly conducted, the June 7, 1996 rule proposed to require risk assessors and paint inspectors to be trained and certified professionals in accordance with EPA requirements.

Hazard reduction activities. Three types of hazard reduction activities were discussed in the June 7, 1996 proposed rule: Abatement, which is a set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards through removal, permanent enclosure or encapsulation, replacement of components, or removal or covering of lead-contaminated soil; interim controls, which are designed to reduce temporarily human exposure to lead-based paint hazards through repairs, maintenance, painting, temporary containment, specialized cleaning, and ongoing monitoring; and paint repair, which is removal of deteriorated paint and repainting. Specialized cleanup is required after all these activities, and clearance dust testing is required after abatement and interim controls.

As with the requirements for evaluation, the June 7, 1996 rule proposed to require different types of hazard reduction activities for different types of housing assistance programs and different periods of construction. In the case of public housing, abatement of lead-based paint and lead-based paint hazards is required during the course of modernization under the current regulation. Under the June 7, 1996 proposed rule, the public housing requirements would remain essentially the same, with the additional requirement of interim controls to reduce identified lead-based hazards before scheduled abatement can occur.

Ongoing maintenance and reevaluation. If temporary hazard reduction measures are used and there is a continuing financial relationship between HUD and the residential property, the June 7, 1996 rule proposed generally to require that owners conduct an annual check to identify any new deteriorated paint and to ensure that prior hazard reduction treatments are still intact. If there is new deteriorated paint, it is to be repaired; if old treatments are failing, they are to be fixed. For some housing programs, the June 7, 1996 rule proposed to require that a certified risk assessor conduct a reevaluation of the property at specified intervals to identify any reaccumulation of lead-contaminated dust.

Response to a child with an elevated blood lead level. In some HUD programs, existing regulations use the presence of a child under age seven with an elevated blood lead level (EBL) as a trigger to initiate testing for and abatement of lead-based paint on chewable surfaces. The June 7, 1996 rule proposed to change the cutoff age from seven to six, to conform to guidance from the Centers for Disease Control and Prevention (CDC). The rule also proposed to change the response requirement to a risk assessment and interim controls of any identified lead-based paint hazards, and to change the definition of an elevated blood lead level for the purposes of this rule from equal to or exceeding 25 micrograms per deciliter (μg/dL) to 20 μg/dL for a single venous test or of 15–19 μg/dL in two consecutive venous tests taken 3 to 4 months apart. This definitional change was made in consultation with CDC.

IV. Impact on Small Entities

The entities that would be most affected by the requirements proposed in the June 7, 1996 rule are owners of housing and State and local housing and community development agencies and tribally designated housing entities that administer some HUD housing programs. Also affected would be the firms that perform the specialized lead-based paint activities called for by Title X, such as lead-based paint inspections, risk assessments, and abatement supervision. The analysis that follows focuses primarily on private owners, because they would be most directly affected by the cost of compliance and may not always be able to obtain adjustments of subsidy levels to amortize such costs. Contractors certified to perform lead-based paint activities would experience increased demand, especially for limited paint inspections, risk assessments, clearance examinations, and supervision of interim controls.

HUD estimates that approximately one million dwelling units owned by private entities or local, State or tribal housing agencies would be affected by the proposed rule during the first year after it is effective. During later years, additional units would be added to the coverage as phase-in provisions become effective and new properties are brought into the stock of HUD-associated housing. After four years, the number of affected units is expected to total approximately 1.7 million. This analysis does not include units owned by Federal agencies. Estimates are drawn from the Regulatory Impact Analysis of the proposed rule and are based on program data and the American Housing Survey.

The Department estimates that approximately three-fourths of the affected dwelling units would be owned by entities considered to be small, using the Small Business Administration definition of less than $5 million in total revenues per year. However, because

there is a very large number of affected entities owning only a small number of dwelling units, over 96 percent of the affected ownership entities would be considered small. HUD estimates that there would be approximately 120,000 ownership entities affected by the proposed rule four years after the effective date, of which about 116,000 would be considered small entities. Estimates of the average rental revenue per unit and per property are based on a study for HUD of HUD-insured multifamily rental housing by Abt Associates, Inc., program data, and the American Housing Survey.

HUD estimates that the average cost of complying with the proposed rule during the first year in which a dwelling unit becomes subject to the rule would vary from 1 to 6 percent of rental revenue, depending on the program, with an overall weighted average of about 5 percent. If one excludes public housing from this analysis, the overall average for private-sector owners is about 4.5 percent. Estimates of the average cost of compliance are drawn from the Regulatory Impact Analysis.

This estimated average cost as a percentage of rental revenue may be somewhat misleading, however, unless one takes into account several considerations. First, many affected entities would have dwelling units that would not be subject to the proposed rule. No units built after 1977 are subject to the rule. Units with zero bedrooms (e.g., efficiencies, studios, and single-room occupancy units) are exempt. Dwelling units are also exempt if they have already been inspected and found to have no lead paint, or if all lead-based paint has been removed; these conditions will pertain to many public housing developments. Second, in the case of units with tenant-based rental assistance, the rule applies only to units occupied by families with children of less than six years of age. Finally, it should be noted that if a unit has no deteriorated paint or no lead-based paint hazards (depending on the housing program), no hazard reduction is required. Owners can minimize the cost effect of the rule through good maintenance of paint surfaces and careful cleanup at turnover. For all of these reasons, the total annual rental revenue for affected small entities may substantially exceed the total annual rental revenue associated with just those units subject to the rule.

It is also important to note that average regulatory costs per unit include activities such as paint repair and, in some cases, window replacement, which may be substantially offset by associated market benefits (such as the increased value of the property). HUD estimates in the Regulatory Impact Analysis that subtracting these market benefits from regulatory costs would reduce the net cost by 20 percent.

The estimated compliance cost is a combination of a one-time, first-year cost plus much lower ongoing costs. After the initial effort to evaluate and control hazards, the owner need only engage in ongoing lead-based paint maintenance activities that merely require that paint surfaces be kept in an intact condition, using safe work practices to assure that repainting does not contaminate the unit or cause lead exposure to the occupants. The Regulatory Impact Analysis for the proposed rule estimated that health benefits associated with paint repair and dust hazard removal will endure for at least four years. More recent data from the HUD evaluation of the Lead-Based Paint Hazard Control Grant Program indicate that the duration of benefits may be at least five years. If the one-time regulatory costs of the HUD rule are closely associated with a maintenance cycle, then it may be appropriate to estimate costs as a percentage of revenue over five years. In this case, the annual percentage impact associated with the rule would be reduced by 80 percent, or to an overall average of less than one percent for affected units.

V. Description of Alternatives and Minimization of Economic Impact

The specificity of the statute left HUD with no alternative to issuing an implementing regulation. However, in developing the June 7, 1996 proposed rule, HUD considered several alternative policies related to minimizing the burden of the rule on grantees, property owners and other parties responsible for complying with its requirements. Other alternatives were suggested by commenters on the proposed rule. In many cases, the public comments on the proposed rule articulated the issues discussed within the Department and at meetings with interested parties.

Effective date. One consideration pertained to the effective date of the rule when issued as a final rule. On the one hand, an early effective date for the final rule (such as 30 or 60 days after publication) seemed appropriate because the health of young children was at stake and the rule was delayed relative to the statutory requirement. On the other hand, HUD was aware that property owners, State and local agencies and other responsible parties needed time to prepare for compliance. Therefore, HUD proposed that the final rule not be effective until one year after publication. Also, commenters on the June 7, 1996 proposed rule urged HUD to make it clear that projects for which financing had been committed prior to the effective date of the final rule should not have to be redesigned or refinanced in midstream. In addition to the phase-in period of one year, the June 7, 1996 rule, in accordance with the statute, proposed to provide a more extended phase-in period for housing receiving project-based assistance that was constructed after 1960. For some housing, this phase-in would last for 9 years after publication of the final rule.

Stringency of requirements in relation to amount of Federal assistance and nature of program. The Department recognized that the statute and the legislative history indicated a desire on the part of Congress to make the stringency of requirements reasonable in relation to the amount of Federal assistance, the type and size of property, and the nature of the program. In developing the June 7, 1996 proposed rule, HUD considered various ways to achieve this goal and concluded with three important policies: (1) Multifamily properties receiving no more than $5,000 per unit per year in project-based assistance and all single family properties receiving project-based assistance were to have less stringent requirements than multifamily properties receiving more than $5,000; (2) housing receiving no more than $5,000 per unit in Federal rehabilitation assistance were to have much less stringent requirements than those receiving more than $5,000; and (3) the requirements for housing occupied by families with tenant-based rental assistance would apply only to units occupied by families with children of less than 6 years of age. By proposing to apply the rule narrowly to tenant-based rental assistance programs, HUD has mitigated some of the cost and burden on small businesses, while still realizing significant benefits by targeting units that house families with young children.

De minimis area of deteriorated paint. In an attempt to make the requirements of the rule as cost-effective as possible, the Department proposed a certain area of deteriorated paint that had to be present before treatment was required under the rule. This ''de minimis'' was drawn from the HUD Guidelines, where it was established as a way to focus resources on the highest priority hazards while maintaining effectiveness in hazard reduction. The de minimis areas were as follows: More than 10 square feet on an exterior wall; more than two square feet on a component with a large surface area other than an

exterior wall (such as interior walls, ceilings, floors and doors); or more than 10 percent of the total surface area on an interior or exterior component with a small surface area including, but not limited to window sills, baseboards, and trim. Comments on this proposal were mixed. Some commenters found it difficult to understand and put in practice, indicating that people would spend too much time measuring the exact areas of deteriorated paint instead of focusing on making housing lead safe. Others welcomed the proposal as a reasonable way to target hazard reduction resources. Data on the frequency with which deteriorated paint occurs in housing at levels above the de minimis are limited, making it difficult to confidently estimate its cost effect.

Qualifications. Another subject of concern to HUD was the qualifications of individuals performing the hazard evaluation and reduction activities required by the rule. The proposed rule would require that lead-based paint inspections, risk assessments, clearances and abatements be performed by people certified in accordance with EPA regulations and that workers conducting interim controls be supervised by a certified abatement supervisor. Recognizing, however, that certified individuals may not be readily available in some parts of the country, HUD provided in the proposed rule that the Secretary could establish temporary qualifications requirements that would help to meet scarcities. Also, the proposed rule would allow dust and soil testing by persons employed by local housing agencies that are trained but not certified. Two commenters felt that it would be a mistake to allow uncertified individuals take dust and soil tests, indicating that this appeared to be an avoidance of the certification law established by EPA regulations. Some commenters felt that it was unnecessary to require that interim controls workers be supervised by a certified abatement supervisor, suggesting that such workers could simply be trained in safe work practices.

Prescriptiveness. Another important topic is the prescriptiveness of the methods and standards described in the June 7, 1996 proposed rule. Several commenters on the proposed rule were concerned that the proposed requirements were too detailed with regard to technical methods and standards and that there was the potential for rigidity in the rule that would inhibit adoption of technological improvements. Others urged greater deference to State, tribal or local regulations. There are several areas where HUD could reduce prescriptiveness, especially for lead-based paint inspections, risk assessments and reevaluations.

Options to provide greater flexibility. In a similar vein, several commenters urged that HUD allow greater flexibility in ways to meet the goals of the rule. In particular, it was suggested that options be provided, such as the standard treatments recommended by the Task Force on Lead-Based Hazard Reduction and Financing as an option to conducting a risk assessment and interim controls. Such options would allow owners to select the procedure that is most cost-effective for them to achieve the goal of lead-based paint hazard control.

Avoidance of duplication. The June 7, 1996 proposed rule was written with careful consideration of existing regulations developed by other Federal agencies, States, Indian tribes and localities. To minimize duplication and avoid confusion, HUD has explicitly stated that this rulemaking does not preclude States, Indian tribes or localities from conducting a more protective procedure than the minimum requirements set out in the proposed rule. Similarly, if more than one requirement covers a condition or activity, the most protective method shall apply. HUD has worked and continues to work closely with the EPA and CDC to ensure that regulations from two or more Federal agencies are consistent and not duplicative. Wherever possible, HUD has referenced relevant requirements established by EPA.

VI. Conclusion

For the reasons discussed above, HUD continues to believe that the proposed regulatory requirements described in the June 7, 1996 rule would not have a significant economic impact on a substantial number of small entities. HUD welcomes written comments on this analysis, especially comments addressing issues that may impact small entities and are not addressed in this notice. Comments must be identified as responses to this analysis and must be filed by the deadline for comments. The Director of HUD's Office of Small and Disadvantaged Business Utilization has sent a copy of this analysis to the Chief Counsel for Advocacy of the Small Business Administration.

Dated: October 4, 1998.

David E. Jacobs,

Director, Office of Lead Hazard Control.

[FR Doc. 98–27274 Filed 10–8–98; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 212

RIN 1510–AA61

Taxpayer Identifying Number Requirement

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The Debt Collection Improvement Act of 1996 (DCIA) requires executive agencies to include payee taxpayer identifying numbers (TINs) on certified payment vouchers which are submitted to disbursing officials. The Financial Management Service (FMS), the Department of the Treasury disbursing agency, and other executive branch disbursing agencies are responsible for examining certified payment vouchers to determine whether such vouchers are in proper form. To ensure that executive branch agencies submit payment certifying vouchers in a form which includes payee TINs, FMS issued a proposed rule on September 2, 1997. The rule, as proposed, would require disbursing officials to reject payment requests without TINs.

Upon review of the comments received in response to the proposed rule, FMS has determined that a better approach to ensure compliance with the DCIA TIN requirement, in lieu of issuing a final rule, is to require each executive agency to submit a TIN Implementation Report to FMS documenting how the agency is complying with this requirement. Accordingly, FMS is issuing this document withdrawing the September 2, 1997, notice of proposed rulemaking. The Policy Statement outlining TIN Implementation Report requirements is being published in the **Federal Register** concurrently with this document.

DATES: The notice of proposed rulemaking published at 62 FR 46428 is withdrawn on October 9, 1998.

FOR FURTHER INFORMATION CONTACT: Cindy Johnson (Director, Cash Management Policy and Planning Division) at 202–874–6657, Dean Balamaci (Director, Agency Liaison Division, Debt Management Services) at 202–874–6660, Sally Phillips (Policy Analyst) at 202–874–6749, or James Regan (Attorney-Advisor) at 202–874–6680. This document is available on the Financial Management Service's web site: http://www.fms.treas.gov.

SUPPLEMENTARY INFORMATION: On April 26, 1996, the Debt Collection