

REA Form No.	Issue date	Title	Purpose	Source of copies
307.....	4-60	Bid Bond	Bid proposals on REA Forms 257, 515, and 525 require either a bid bond or a certified check in an amount equal to ten percent of the maximum bid price.	Copies in each of the contracts.
397.....	12-67	Special Equipment Contract (Including Installation).....	Purchase and installation of voice frequency repeaters, trunk carrier, subscriber carrier, microwave, mobile radio, line concentrators, and other items of electronic equipment associated with transmission.	REA. ¹
397i.....	2-63	Contractor's Bond (Special Telephone Equipment).....	Used in REA Form 397 when the contract exceeds \$100,000.	Copy in the Form 397 Contract.
No form number.....	7-78	Addendum No. 1 to REA Form 397, Special Equipment Contract (Including Installation).	Incorporates the liquidated damages provision into the 397 contract.	REA. ¹
398.....	11-62	Special Equipment Contract (Not Incl. Installation).....	Purchase and deliver voice frequency repeaters, trunk carrier, subscriber carrier, microwave, mobile radio, line concentrators, and other items of electronic equipment associated with transmission.	REA. ¹
399.....	8-82	Supplemental Agreement to Equipment Contract for Field Trial.	Used in any contract that contains material or equipment that requires a field trial and has primary status.	REA. ¹
399a.....	8-82	Supplemental Agreement to Equipment Contract for Field Trial (Secondary—Delivery, Installation, Operation).	Used in any contract that contains material or equipment that requires a field trial and is the secondary field trial category.	REA. ¹
400.....	10-65	Telephone Equipment Contract (Installation Only)	Used where the contract will cover only the installation of equipment.	REA. ¹
400a.....	10-65	Contractor's Bond (Telephone Equipment Contract—Installation Only).	Used in REA Form 400 when the contract exceeds \$100,000.	Copy in the Form 400 Contract.
515.....	9-79	Telephone System Construction Contract (Labor and Material).	Telephone outside plant construction, including direct buried plant, conduit and manholes, underground cable, pole lines, aerial cable, service entrances and station protector.	Supt. of Doc., GPO, Wash., DC 20402.*
525.....	9-66	Central Office Equipment Contract (Incl. Installation)...	Purchase and installation of central office switching equipment.	Supt. of Doc., GPO, Wash., DC 20402.*
525a.....	10-62	Contractor's Bond (Central Office Equipment).....	Used in REA Form 525 when the contracts exceed \$100,000.	Copy in the Form 525 Contract.
No form number.....	8-79	Addendum No. 1 to REA Form 525, Central Office Equipment Contract (Including Installation).	Incorporates the liquidated damages provision into the 525 contract.	REA. ¹
526.....	8-66	Construction Contract Amendment.....	Amending the Telephone System Construction Contract (Labor and Material), REA Form 515.	REA. ¹
545.....	9-66	Central Office Equipment Contract (Not Including Installation).	Purchase and deliver central office equipment.....	REA. ¹
756.....	3-63	Telephone Line Extension Construction Contract (Labor and Materials).	Construction of system improvements and line extensions where scope of the project is not known.	REA. ¹
787.....	8-63	Supplement A to Construction Contract REA Form 515.	Used in REA Form 515 when borrower furnishes any material for construction of the project.	REA. ¹

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* This contract form is for sale by the Superintendent of Documents, Government Printing Office, Washington, DC 20402. REA Form 33, Order Blank for REA Contract Forms from the Government Printing Office should be used to order the publication. Follow the procedure under (1) to obtain copies of Form 33 from REA.

[7 U.S.C. 901 et seq.; 7 U.S.C. 1921 et seq.]

Dated: March 7, 1988.

Harold V. Hunter,
Administrator.

[FR Doc. 88-9560 Filed 4-29-88; 8:45 am]

BILLING CODE 3410-15-M

Economic Analysis Staff

7 CFR Part 3901

Amendment of Freedom of Information Act Implementing Regulations

AGENCY: Economic Analysis Staff, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Economic Analysis Staff's regulations implementing the Freedom of Information Act (FOIA) to conform to

the Department of Agriculture's recently revised FOIA regulations (7 CFR Part 1, Subpart A) and to correct typographical errors. The Department's regulations were published in the *Federal Register* on December 31, 1987, at 52 FR 49383.

EFFECTIVE DATE: May 2, 1988.

FOR FURTHER INFORMATION CONTACT:

Laura B. Snow, Economics Agencies FOIA Officer, Economics Management Staff, USDA, Room 4310, South Building, 12th and Independence Avenue, SW., Washington, DC 20250. Telephone (202) 447-7590.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required and this rule may be made effective in less than 30 days after

publication in the *Federal Register*. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Also, this action is not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 3901

Freedom of information.

Accordingly, Part 3901, Chapter XXXIX, of Title 7, Code of Federal Regulations, is amended as set forth below.

PART 3901—[AMENDED]

1. The authority citation for Part 3901 is revised to read as follows:

Authority: 5 U.S.C. 301 and 552; 7 CFR 1.1-1.23 and Appendix A.

§ 3901.1 [Amended]

2. Section 3901.1 is amended by removing the citation "§§ 1.1 through 1.19" and adding in lieu thereof the citation "§§ 1.1 through 1.23".

§ 3901.2 [Amended]

3. Section 3901.2 is amended by changing the citation "5 U.S.C. 52(a)(2)" to "5 U.S.C. 552(a)(2)".

§ 3901.3 [Amended]

4. Section 3901.3 is amended by removing the citation "§ 1.3(b)" and adding in lieu thereof the citation "§ 1.3(a)(3)"; and by removing the word "in" in its first appearance in the second sentence and adding in lieu thereof the word "is".

§ 3901.4 [Amended]

5. Section 3901.4 is amended by removing the citation "§ 1.7(a)" and adding in lieu thereof the citation "§ 1.8(a)".

Done at Washington, DC, this 19th day of April, 1988.

Keith J. Collins,

Director, Economic Analysis Staff.

[FR Doc. 88-9682 Filed 4-29-88; 8:45 am]

BILLING CODE 3410-19-M

DEPARTMENT OF COMMERCE**Office of the Secretary****15 CFR Part 15b**

[Docket No. 30210-8053]

Involuntary Child and Spousal Support Allotments of NOAA Corps Officers

AGENCY: Office of the Secretary, Commerce (DOC).

ACTION: Final rule.

SUMMARY: This rule implements section 172 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248). It provides specific guidance on processing involuntary child or child and spousal support allotments to states, courts, and other interested parties. The issuance (a) establishes Department of Commerce policy; (b) provides instructions on the service of notice; (c) defines the limitations or the amount of a support allotment; (d) prescribes procedures for officer notification and consultation; and (e) lists the designated official who will process involuntary support allotments. The final rule is substantially the same as the proposed rule published in the *Federal Register* March 21, 1983 (48 FR 11720). Changes are primarily administrative.

EFFECTIVE DATE: August 1, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. Eric Moll, 202-377-5391.

SUPPLEMENTARY INFORMATION: Written comments were requested by May 20, 1983. One comment was received on October 24, 1986, and was considered in the final rule. The comment recommended an additional section describing procedures to follow in the event of an erroneous notice from an authorized person. Since circumstances, such as spouse remarriage, may alter support obligations, providing a mechanism for formal notification of change or error is reasonable and was added at § 15b.5(d)(1)(iii).

Executive Order 12291

DOC has determined that this rule is not a major rule for the purpose of E.O. 12291, because it is not likely to have an annual effect on the economy of \$100 million or more, and therefore does not require a regulatory impact analysis.

Executive Order 12612

This rule does not contain policies with Federalism implications to warrant preparation of a Federalism assessment under E.O. 12612.

Paperwork Reduction Act

The rule contains information collection requirements subject to the Paperwork Reduction Act. These requirements have been submitted to the Office of Management and Budget for approval. Comments may be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for NOAA.

Regulatory Flexibility Act of 1980

I certify that this rule will not have a significant economic impact on a substantial number of small entities because this rule affects individuals and individuals are not defined as small entities for purposes of the Regulatory Flexibility Act (5 U.S.C. 601).

List of Subjects in 15 CFR Part 15b

Child support, Alimony, Wages, Government employee, NOAA Corps allotments.

Date: April 26, 1988.

Robert Brumley,

General Counsel.

Accordingly Subtitle A, 15 CFR is amended by adding a new Part 15b, reading as follows:

PART 15b—INVOLUNTARY CHILD AND SPOUSAL SUPPORT ALLOTMENTS OF NOAA CORPS OFFICERS

Sec.

15b.1 Purpose.

15b.2 Applicability and scope.

15b.3 Definitions.

15b.4 Policy.

15b.5 Procedures.

Authority: 37 U.S.C. 101, 706; 15 U.S.C. 1673; 42 U.S.C. 665.

§ 15b.1 Purpose.

This part provides implementing policies governing involuntary child or child and spousal support allotments for officers of the uniformed service of the National Oceanic and Atmospheric Administration (NOAA), and prescribes applicable procedures.

§ 15b.2 Applicability and scope.

This part applies to Commissioned Officers of the NOAA Corps on active duty.

§ 15b.3 Definitions.

(a) *Active duty.* Full-time duty in the NOAA Corps.

(b) *Authorized person.* Any agent or attorney of any state having in effect a plan approved under part D of title IV of the Social Security Act (42 U.S.C. 651-664), who has the duty or authority to seek recovery of any amounts owed as child or child and spousal support (including, when authorized under the state plan, any official of a political subdivision); and the court that has authority to issue an order against a member for the support and maintenance of a child or any agent of such court.

(c) *Child support.* Periodic payments for the support and maintenance of a child or children, subject to and in accordance with state or local law. This includes but is not limited to, payments to provide for health, education, recreation, and clothing or to meet other specific needs of such a child or children.

(d) *Designated official.* The official who is designated to receive notices of failure to make payments from an authorized person (as defined in paragraph (b) of this section). For the Department of Commerce this official is the Assistant General Counsel for Administration.

(e) *Notice.* A court order, letter, or similar documentation issued by an authorized person providing notification that a member has failed to make periodic support payments under a support order.

(f) *Spousal support.* Periodic payments for the support and maintenance of a spouse or former spouse, in accordance with state and local law. It includes, but is not limited to, separate maintenance, alimony while litigation continues, and maintenance. Spousal support does not include any payment for transfer of property or its value by an individual to his or her spouse or former spouse in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

(g) *Support order.* Any order for the support of any person issued by a court of competent jurisdiction or by administrative procedures established under state law that affords substantial due process and is subject to judicial review. A court of competent jurisdiction includes: (1) Indian tribal courts within any state, territory, or possession of the United States and the District of Columbia; and (2) a court in any foreign country with which the United States has entered into an agreement that requires the United States to honor the notice.

§ 15b.4 Policy.

(a) It is the policy of the Department of Commerce to require Commissioned Officers of the NOAA Corps on active duty to make involuntary allotments from pay and allowances as payment of child, or child and spousal, support payments when the officer has failed to make periodic payments under a support order in a total amount equal to the support payable for two months or longer. Failure to make such payments shall be established by notice from an authorized person to the designated official. Such notice shall specify the name and address of the person to whom the allotment is payable. The amount of the allotment shall be the amount necessary to comply with the support order. If requested, the allotment may include arrearages as well as amounts for current support, except that the amount of the allotment, together with any other amounts withheld for support from the officer as a percentage of pay, shall not exceed the limits prescribed in section 303 (b) and (c) of the Consumer Credit Protection Act (15 U.S.C. 1673). An allotment under this Part shall be adjusted or discontinued upon notice from an authorized person.

(b) Notwithstanding the above, no action shall be taken to require an allotment from the pay and allowances of any officer until such officer has had a consultation with an attorney from the Office of the Assistant General Counsel

for Administration, in person, to discuss the legal and other factors involved with respect to the officer's support obligation and his/her failure to make payments. Where it has not been possible, despite continuing good faith efforts to arrange such a consultation, the allotment shall start the first pay period beginning after 30 days have elapsed since the notice required in paragraph (d)(1) of § 15b. is given to the affected officer.

§ 15b.5 Procedures.

(a) *Service of notice* (1) An authorized person shall send to the designated official a signed notice that includes:

(i) A statement that delinquent support payments equal or exceed the amount of support payable for 2 months under a support order, and a request that an allotment be initiated pursuant to 42 U.S.C. 665.

(ii) A certified copy of the support order.

(iii) The amount of the monthly support payment. Such amount may include arrearages, if a support order specifies the payment of such arrearages. The notice shall indicate how much of the amount payable shall be applied toward liquidation of the arrearages.

(iv) Sufficient information identifying the officer to enable processing by the designated official. The following information is requested:

- (A) Full name;
- (B) Social Security Number;
- (C) Date of birth; and
- (D) Duty station location.

(v) The full name and address of the allottee. The allottee shall be an authorized person, the authorized person's designee, or the recipient named in the support order.

(vi) Any limitations on the duration of the support allotment.

(vii) A certificate that the official sending the notice is an authorized person.

(viii) A statement that delinquent support payments are more than 12 weeks in arrears, if appropriate.

(2) The notice shall be accomplished by certified or registered mail, return receipt requested, or by personal service, upon the appropriate designated official, who shall note the date and time of receipt on the notice.

(3) The notice is effective when it is received in the office of the designated official.

(4) When the information submitted is not sufficient to identify the officer, the notice shall be returned directly to the authorized person with an explanation of the deficiency. However, prior to returning the notice if there is sufficient

time, an attempt should be made to inform the authorized person who caused the notice to be served, that it will not be honored unless adequate information is supplied.

(5) Upon receipt of effective notice of delinquent support payments, together with all required supplementary documents and information, the designated official shall identify the officer from whom moneys are due and payable. The allotment shall be established in the amount necessary to comply with the support order and to liquidate arrearages if provided by a support order when the maximum amount to be allotted under this provision, together with any other moneys withheld for support from the officer, does not exceed:

(i) 50 percent of the officer's disposable earnings for any month where the officer asserts by affidavit or other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than a party in the support order. When the officer submits evidence, copies shall be sent to the authorized person, together with notification that the officer's support claim will be honored.

If the support claim is contested by the authorized person, that authorized person may refer this matter to the appropriate court or other authority for resolution.

(ii) 60 percent of the officer's disposable earnings for any month where the officer fails to assert by affidavit or other acceptable evidence that he/she is supporting a spouse and/or dependent child.

(iii) Regardless of the limitations above, an additional 5 percent of the officer's disposable earnings shall be withheld when it is stated in the notice that the officer is in arrears in an amount equivalent to 12 or more weeks' support.

(b) Disposable earnings.

The following moneys are subject to inclusion in computation of the officer's disposable earnings:

- (1) Basic pay.
- (2) Special pay (including enlistment and reenlistment bonuses).
- (3) Accrued leave payments (basic pay portions only).
- (4) Aviation career incentive pay.
- (5) Incentive pay for Hazardous Duty.
- (6) Readjustment pay.
- (7) Diving pay.
- (8) Sea pay.
- (9) Severance pay (including disability severance pay).
- (10) Retired pay (including disability retired pay).

(c) *Exclusions.* In determining the amount of any moneys due from or payable by the United States to any individual, there shall be excluded amounts which are:

(1) Owed by the officer to the United States.

(2) Required by law to be deducted from the remuneration or other payment involved, including, but not limited to:

(i) Amounts withheld from benefits payable under Title II of the Social Security Act where the withholding is required by law.

(ii) Federal employment taxes.

(3) Properly withheld for federal and state income tax purposes if the withholding of the amounts is authorized by law and if amounts withheld are not greater than would be the case if the individual claimed all dependents to which he/she were entitled. The withholding of additional amounts pursuant to section 3402(i) of Title 26 of the United States Code may be permitted only when the officer presents evidence of a tax obligation which supports the additional withholding.

(4) Deducted for servicemen's Group Life Insurance coverage.

(5) Advances of pay that may be due and payable by the officer at some future date.

(d) *Officer notification.* (1) As soon as possible, but not later than 15 calendar days after the date of receipt of notice, the designated official shall send to the officer, at his/her duty station or last known address, written notice:

(i) That notice has been received from an authorized person, including a copy of the documents submitted;

(ii) Of the maximum limitations set forth, with a request that the officer submit supporting affidavits or other documentation necessary for determining the applicable percentage limitation;

(iii) That the officer may submit supporting affidavits or other documentation as evidence that the information contained in the notice is in error;

(iv) That by submitting supporting affidavits or other necessary documentation, the officer consents to the disclosure of such information to the party requesting the support allotment;

(v) Of the amount or percentage that will be deducted if the officer fails to submit the documentation necessary to enable the designated official to respond to the notice within the prescribed time limits;

(vi) That legal counsel will be provided by the Office of the Assistant General Counsel for Administration; and

(vii) Of the date that the allotment is scheduled to begin.

(2) The officer shall be provided with the following:

(i) A consultation in person with an attorney from the Office of the Assistant General Counsel for Administration, to discuss the legal and other factors involved with the officer's support obligation and his/her failures to make payment.

(ii) Copies of any other documents submitted with the notice.

(3) The Office of the Assistant General Counsel for Administration will make every effort to see that the officer receives a consultation concerning the support obligation and the consequences of failure to make payments within 30 days of the notice required in paragraph (d)(1). In the event such consultation is not possible, despite continuing good faith efforts to arrange a consultation, no action shall be taken to require an allotment from the pay and allowances of any NOAA Corps Officer until 30 days have elapsed after the notice described in paragraph (d)(1) is given to the affected officer.

(4) If, within 30 days of the date of the notice, the officer has furnished the designated official affidavits or other documentation showing the information in the notice to be in error, the designated official shall consider the officer's response. The designated official may return to the authorized person, without action, the notice for a statutorily required support allotment together with the member's affidavit and other documentation, if the member submits substantial proof of error, such as:

(i) The support payments are not delinquent.

(ii) The underlying support order in the notice has been amended, superseded, or set aside.

(e) *Absence of funds.* (1) When notice is served and the identified officer is found not to be entitled to moneys due from or payable by NOAA, the designated official shall return the notice to the authorized person, and advise that no moneys are due from or payable by NOAA to the named individual.

(2) Where it appears that moneys are only temporarily exhausted or otherwise unavailable, the authorized person shall be fully advised as to why, and for how long, the money will be unavailable.

(3) In instances where the officer separates from active duty service, the authorized person shall be informed by the Office of Commissioned Personnel, NOAA Corps that the allotment is discontinued.

(4) Payment of statutorily required allotments shall be enforced over other voluntary deductions and allotments when the gross amount of pay and allowances is not sufficient to permit all authorized deductions and collections.

(f) *Allotment of funds.* (1) The authorized person or allottee shall notify the designated official promptly if the operative court order upon which the allotment is based is vacated, modified, or set aside. The designated official shall also be notified of any events affecting the allottee's eligibility to receive the allotment, such as the former spouse's remarriage, if a part of the payment is for spousal support, and notice of a change in eligibility for child support payments under circumstances of death, emancipation, adoption, or attainment of majority of a child whose support is provided through the allotment.

(2) An allotment established under this Directive shall be adjusted or discontinued upon notice from the authorized person.

(3) Neither the Department of Commerce nor any officer or employee thereof, shall be liable for any payment made from moneys due from, or payable by, the Department of Commerce to any individuals pursuant to notice regular on its face, if such payment is made in accordance with this Part. If a designated official receives notice based on support which, on its face, appears to conform to the law of the jurisdiction from which it was issued, the designated official shall not be required to ascertain whether the authority that issued the order had obtained personal jurisdiction over the member.

(4) *Effective date of allotment.* The allotment shall start with the first pay period beginning after the officer has had a consultation with an attorney from the Office of the Assistant General Counsel for Administration but not later than the first pay period beginning after 30 days have elapsed since the notice required in paragraph (d)(1) of this section is given to the affected officer. The Department of Commerce shall not be required to vary its normal NOAA Corps allotment payment cycle to comply with the notice.

(g) *Designated official.* Notice should be sent to: The Assistant General Counsel for Administration, Office of the General Counsel, U.S. Department of Commerce, Washington, DC 20230, (202) 377-5387.

[FR Doc. 88-9591 Filed 4-29-88; 8:45 am]

BILLING CODE 3510-08-M