subcontractor, is either published or otherwise available for inspection by customers, and states prices at which sales are currently, or were last, made to a significant number of buyers constituting the general public. An established market price is a current price, established in the usual course of trade between buyers and sellers free to bargain, which can be substantiated from sources independent of the manufacturer or contractor. Normally, market price information is taken from independent market reports, but market price could be established by surveying the firms in a particular industry or market;

(D) All of the service employees who will perform the services under the Government contract or subcontract spend only a small portion of their time (a monthly average of less than 20 percent of the available hours on an annualized basis, or less than 20 percent of available hours during the contract period if the contract period is less than a month) servicing the government contract or subcontract;

(E) The contractor utilizes the same compensation (wage and fringe benefits) plan for all service employees performing work under the contract or subcontract as the contractor uses for these employees and for equivalent employees servicing commercial customers;

(F) The contracting officer (or prime contractor with respect to a subcontract) determines in advance, based on the nature of the contract requirements and knowledge of the practices of likely offerors, that all or nearly all offerors will meet the above requirements. If the services are currently being performed under contract, the contracting officer or prime contractor shall consider the practices of the existing contractor in making a determination regarding the above requirements; and

(G) The exempted contractor certifies in the prime contract or subcontract to the provisions in paragraphs (e)(2)(ii)(A) and (C) through (E) of this section. The contracting officer or prime contractor, as appropriate, shall review available information concerning the contractor or subcontractor and the manner in which the contract will be performed. If the contracting officer or prime contractor has reason to doubt the validity of the certification, SCA stipulations shall be included in the contract or subcontract.

(iii)(A) If the Department of Labor determines after award of the prime contract that any of the above requirements for exemption has not been met, the exemption will be deemed inapplicable, and the contract shall become subject to the Service Contract Act, effective as of the date of the Department of Labor determination. In such case, the corrective procedures in § 4.5(c)(2) of this part shall be followed.

(B) The prime contractor is responsible for compliance with the requirements of the Service Contract Act by its subcontractors, including compliance with all of the requirements of this exemption (see § 4.114(b) of this part). If the Department of Labor determines that any of the above requirements for exemption has not been met with respect to a subcontract, the exemption will be deemed inapplicable, and the prime contractor may be responsible for compliance with the Act, effective as of the date of contract award.

(iv) The exemption set forth in this paragraph (e)(2) does not apply to solicitations and contracts:

(A) Entered into under the Javits-Wagner-O'Day Act, 41 U.S.C. 47;

(B) For the operation of a Government facility or portion thereof (but may be applicable to subcontracts for services set forth in paragraph (3)(2)(ii) that meet all of he criteria of paragraph (e)(2)(ii)); or

(C) Subject to Section 4(c) of the Service Contract Act.

Signed at Washington, D.C., on this 19th day of July, 2000.

T. Michael Kerr,

Administrator, Wage and Hour Division.

[FR Doc. 00–18636 Filed 7–25–00; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AK07

Signature by Mark

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans Affairs (VA) regulation that explains how a claimant can use a mark or a thumbprint in place of a signature. The intended effect of this amendment is to present the existing regulation in ''plain language'' and to remove an obsolete manual provision from VA's Adjudication Procedure Manual, M21–1.

DATES: Comments must be received on or before September 25, 2000.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to *OGCRegulations@mail.va.gov.* Comments should indicate that they are submitted in response to ''RIN 2900–AK07.'' All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Candice Weaver, Consultant, Advisory and Court of Appeals for Veterans Claims Staff, Compensation and Pension Service, or Bob White, Team Leader, Plain Language Regulations Project, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone 202/273–7235 and 202/273–7228 respectively.

SUPPLEMENTARY INFORMATION: VA proposes to rewrite 38 CFR 3.113 in plain language. This regulation explains VA's requirements for the use of a mark or thumbprint in place of a signature. It is currently located under subpart A of part 3. We propose to create new § 3.2130 to restate the current regulation, incorporating its provisions with no substantive changes. The proposed section would be located in new Subpart D, Universal Adjudication Rules. We are also proposing new § 3.2100, which will specify the scope of applicability of the provisions in subpart D.

The Adjudication Procedure Manual, at M21–1, part IV, ch. 29, paragraph b(2), instructs that Eligibility Verification Reports (EVR) signed by mark or thumbprint must be accompanied by a separate sheet of paper that includes a certification that the information contained on the form is true and correct. In the past, income questionnaire forms included a statement certifying the accuracy of the information provided. When the forms were changed to small cards, a separate sheet of paper was needed for the signatures and addresses of the witnesses to the claimants' marks or thumbprints, and the certification statement. Current EVR forms are larger and they do not include certification statements. Rather, they include a caution regarding the willful submission of false information. VA believes the requirement for a separate sheet of paper containing a certification statement is now obsolete and proposes to formally withdraw paragraph b(2) from the Adjudication Procedure Manual.

Proposed section 3.2130, paragraph (c) eliminates reference to the VA Form 4505 series as giving authority to VA employees to certify signatures by mark or thumbprint and substitutes a reference to 38 CFR 2.3. It is regulations, not forms, that give certain VA employees the authority to take affidavits, administer oaths, and certify documents. The regulations are also more readily available to the general public than VA Forms are. We believe this change more clearly identifies the VA employees authorized to certify signatures by mark or thumbprint.

This rulemaking is partly a response to the Presidential Memorandum on Plain Language, dated June 1, 1998 (63 FR 31885–86), and addressed to the heads of executive departments and agencies. The memorandum stated the President's goal to make government more responsive, accessible, and comprehensible in its communications with the public. As an integral part of his program, the President urged departments and agencies to consider rewriting existing regulations in plain language when they have the opportunity and resources to do so.

This rulemaking also addresses commentary from the judicial branch. In *Zang* v. *Brown*, 8 Vet. App. 246, 255 (1995) (Steinberg, J., separate views), the Court of Appeals for Veterans Claims (the Court) pointed to a "'confusing tapestry' of VA regulations which should be the subject of review and reevaluation by the Secretary [of Veterans Affairs] with a view toward providing clear guidance for the adjudication of VA benefits claims."

In response to the President's memorandum and the Court's commentary, VA has undertaken a long-term, comprehensive project to revise its adjudication regulations. The Plain Language Regulations Project is charged with reorganizing and rewriting in plain language the adjudication regulations in part 3 of title 38, Code of Federal Regulations. The project team will use Reader-Focused Writing techniques to the extent possible while remaining faithful to the policies and mandates expressed in current statutes, regulations, and case law.

Unfunded Mandates

The Unfunded Mandates Reform Act requires (in section 202) that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by state, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more in any given year. This final rule will have no consequential effect on state, local, or tribal governments.

Regulatory Flexibility Act

The Secretary certifies that the adoption of the proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The proposed rule does not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The catalog of Federal Domestic Assistance program numbers for this proposal includes 64.100, 64.101, 64.104, 64.105, 64.109, 64.110, and 64.127.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: July 13, 2000.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, VA proposes to amend 38 CFR part 3 as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.113 [Removed]

2. Section 3.113 is removed.

Subpart C—[Reserved]

3. Subpart C is added and reserved.

4. A new Subpart D is added to read as follows:

Subpart D—Universal Adjudication Rules That Apply to Benefit Claims Governed by Part 3 of This Title

General

Sec.
3.2100 Scope of Applicability
3.2130 Will VA accept a signature by mark or thumbprint?

Subpart D—Universal Adjudication Rules That Apply to Benefit Claims Governed by Part 3 of This Title

Authority: 38 U.S.C. 501(a), unless otherwise noted.

General

§ 3.2100 Scope of Applicability.

Unless otherwise specified, the provisions of this subpart apply only to claims governed by part 3 of this title.

(Authority: 38 U.S.C. 501(a))

§ 3.2130 Will VA accept a signature by mark or thumbprint?

VA will accept signatures by mark or thumbprint if:

(a) They are witnessed by two people who sign their names and give their addresses, or

(b) They are certified by a notary public or any other person having the authority to administer oaths for general purposes, or

(c) They are certified by a VA employee who has been delegated authority by the Secretary under 38 CFR 2.3.

(Authority: 38 U.S.C. 5101)

[FR Doc. 00–18688 Filed 7–25–00; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 52 and 81

[FRL–6841–1]

RIN 2060–AJ05

Rescinding the Finding That the Pre-existing PM–10 Standards are No Longer Applicable in Northern Ada County/Boise, Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule; extension of comment period.

SUMMARY: Today, EPA is hereby extending the closing date of the public comment period regarding EPA's notice of proposed rulemaking "Rescinding the Finding that the Pre-existing PM–10 Standards are No Longer Applicable in Northern Ada County/Boise, Idaho," published June 26, 2000 at 65 FR 39321. The original comment period was to close on July 26, 2000. The new closing date will be August 31, 2000. The EPA is soliciting comments on this proposal and one of the comments we've received asks for an extension of the public comment period. Due to the complexity of the issues surrounding the action