

for failing to attend a consultative examination.

18. Section 416.990 is amended by revising paragraph (b)(11) to read as follows:

§ 416.990 When and how often we will conduct a continuing disability review.

* * * * *

(b) * * *

(11) By your first birthday, if you are a child whose low birth weight was a contributing factor material to our determination that you were disabled; *i.e.*, whether we would have found you disabled if we had not considered your low birth weight. However, we will conduct your continuing disability review later if at the time of our initial determination that you were disabled:

(i) We determine that you have an impairment that is not expected to improve by your first birthday; and
(ii) We schedule you for a continuing disability review after your first birthday.

* * * * *

19. Section 416.994a is amended by revising the last sentence of paragraph (b)(3)(ii), the heading and first sentence of paragraph (b)(3)(iii), the fourth sentence of paragraph (d), the first and second sentences of paragraph (e)(1), and (i)(1)(ii) and (i)(2) to read as follows:

§ 416.994a How we will determine whether your disability continues or ends, and whether you are and have been receiving treatment that is medically necessary and available, disabled children.

* * * * *

(b) * * *

(3) * * *

(ii) * * * If not, we will consider whether it functionally equals the listings.

(iii) *Does your impairment(s) functionally equal the listings?* If your current impairment(s) functionally equals the listings, as described in § 416.926a, we will find that your disability continues. * * *

* * * * *

(d) * * * If not, we will determine whether an attempt should be made to reconstruct those portions of the missing file that were relevant to our most recent favorable determination or decision (e.g., school records, medical evidence from treating sources, and the results of consultative examinations).

* * *

(e) * * *

(1) * * * Changing methodologies and advances in medical and other diagnostic techniques or evaluations have given rise to, and will continue to give rise to, improved methods for determining the causes of (*i.e.*,

diagnosing) and measuring and documenting the effects of various impairments on children and their functioning. Where, by such new or improved methods, substantial evidence shows that your impairment(s) is not as severe as was determined at the time of our most recent favorable decision, such evidence may serve as a basis for a finding that you are no longer disabled, provided that you do not currently have an impairment(s) that meets, medically equals, or functionally equals the listings, and therefore results in marked and severe functional limitations. * * *

* * * * *

(i) * * *

(1) * * *

(ii) Psychological or psychosocial counseling; * * *

(2) *How we will consider whether medically necessary treatment is available.* When we decide whether medically necessary treatment is available, we will consider such things as (but not limited to) * * *

* * * * *

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AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 203

Registration of Agencies for Voluntary Foreign Aid

AGENCY: United States Agency for International Development (USAID).

ACTION: Final rule.

SUMMARY: This final rule amends USAID regulations on Registration of Agencies for Voluntary Foreign Aid. Registration is required for U.S. private and voluntary organizations (PVO) to become eligible for most USAID grant funds. The final rule clarifies registration conditions by adding an express criterion for denying or withdrawing registration.

EFFECTIVE DATE: September 11, 2000.

FOR FURTHER INFORMATION CONTACT:

Mary Newton, Registrar, Office of Private and Voluntary Cooperation, USAID, telephone 202-712-4747; telefax (202) 216-3041.

SUPPLEMENTARY INFORMATION: The U.S. Agency for International Development's registration process identifies PVOs engaged in foreign assistance operations and determines whether they meet established criteria to be eligible for resources intended for PVOs. Registration is the initial criterion of eligibility for U.S. PVOs to compete for

most forms of USAID assistance. Registration is not required for organizations working under contract with USAID. The regulation at 22 CFR Part 203 was published as a final rule January 21, 1983 (48 FR 2760). After operating under the regulation for a number of years it has been determined that part 203 needs revision and clarification. Under its required procedures, the Agency has conducted a review of the PVO registration process and determined that the final rule is necessary to ensure the Agency identifies suitable, qualified PVOs for registration. The final rule will clarify the Conditions of Registration and Documentation Requirements to identify which U.S.-based PVOs are eligible for USAID resources. USAID has determined that the final rule will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132. USAID has determined also that 5 U.S.C. 553 and Executive Order 12866 are not applicable to this final rule because its subject matter involves foreign affairs functions of the United States. This final rule will have no significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, nor does it establish any collection of information as contemplated by the Paperwork Reduction Act.

List of Subjects in 22 CFR Part 203

Foreign aid, Nonprofit organizations, Reporting and recordkeeping requirements.

Accordingly 22 CFR Part 203 is amended as follows:

PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

1. The authority citation for Part 203 continues to read as follows:

Authority: Sec. 621, Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381).

2. Section 203.2 is amended by adding new paragraph (i) to read as follows:

§ 203.2 Conditions of registration and documentation requirements for U.S. private and voluntary organizations.

* * * * *

(i) *Condition and documentation requirement no. 9—(1) Condition.* That the applicant is not:

(i) Suspended or debarred by an agency of the United States Government;

(ii) Designated as a foreign terrorist organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act, as amended; or

(iii) The subject of a decision by the Department of State to the effect that registration, or a financial relationship between USAID and the organization, is contrary to the national defense, national security, or foreign policy interests of the United States.

(2) Documentation requirement. None.

Dated: September 5, 2000.

Hugh Q. Parmer,

Assistant Administrator, Bureau for Humanitarian Response, United States Agency for International Development.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

[SPATS No. NM-039-FOR]

New Mexico Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the New Mexico regulatory program (hereinafter, the "New Mexico program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). New Mexico proposed revisions about the definitions of "Material Damage" and "Occupied Residential Dwelling and Associated Structures"; improvidently issued permits; design, construction, and inspection requirements for ponds and impoundments; ground cover requirements for lands to be developed for recreation and shelterbelts; subsidence buffer zones; and adjustment of bond amounts. New Mexico intended to revise its program to be consistent with the corresponding Federal regulations and clarify ambiguities.

EFFECTIVE DATE: September 11, 2000.

FOR FURTHER INFORMATION CONTACT: Willis L. Gainer, Telephone: (505) 248-5096, Internet address: WGAINER@OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

- I. Background on the New Mexico Program
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

I. Background on the New Mexico Program

On December 31, 1980, the Secretary of the Interior conditionally approved the New Mexico program. You can find background information on the New Mexico program, including the Secretary's findings, the disposition of comments, and conditions of approval in the December 31, 1980, **Federal Register** (45 FR 86459). You can also find later actions concerning New Mexico's program and program amendments at 30 CFR 931.11, 931.15, 931.16, and 931.30.

II. Submission of the Proposed Amendment

By letter dated November 13, 1998, New Mexico sent to us an amendment (SPATS No. NM-039-FOR, administrative record No. NM-804) to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). New Mexico submitted the proposed amendment at its own initiative and in response to required amendments at 30 CFR 931.16(o), (w), (x), (y), and (aa).

We announced receipt of the amendment in the December 3, 1998 **Federal Register** (63 FR 66772), provided an opportunity for a public hearing or meeting, neither was held. The public comment period ended on January 4, 1999.

During our review of the amendment, we identified concerns and notified New Mexico of the concerns by letter dated January 7, 1999 (administrative record no. NM-815). New Mexico responded in a letter dated December 1, 1999, by submitting a revised amendment and additional explanatory information (administrative record no. NM-816).

Based upon New Mexico's revisions to its amendment, we reopened the public comment period in the December 22, 1999 **Federal Register** (64 FR 71698, administrative record No. NM-818). The public comment period ended on January 21, 2000.

During our review of the amendment, we identified concerns and notified New Mexico of the concerns by letter dated March 27, 2000 (administrative record no. NM-827). New Mexico responded in a letter dated April 26, 2000, by submitting a revised amendment and additional explanatory information (administrative record no. NM-829).

Based upon New Mexico's revisions to its amendment, we reopened the public comment period in the June 7, 2000 **Federal Register** (65 FR 36101, administrative record No. NM-833). The public comment period ended on June 22, 2000.

III. Director's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. As discussed below, we are approving the amendment.

1. 19 NMAC 8.2 107.M(1) and 19 NMAC 8.2 107.0(2). Definitions of "Material Damage" and "Occupied Residential Dwelling and Associated Structures"

OSM required at 30 CFR 931.16(w) that New Mexico revise 19 NMAC 8.2 107.M(1), the definition of "Material Damage," and 19 NMAC 8.2 107.0(2), the definition of "Occupied Residential Dwelling and Associated Structures," to add references to the performance standards pertaining to repair of subsidence-caused damages at 19 NMAC 8.2 2067, 2070, and 2072, concerning general requirements for subsidence control, rebuttable presumption of causation by subsidence, and the requirement to adjust the bond amount for subsidence. New Mexico's definitions already included a reference to 19 NMAC 8.2 2069, concerning surface owner protection. (See finding No. 5.a, 61 FR 26825 at 26827, May 29, 1996.)

New Mexico proposed to revise 19 NMAC 8.2 107.M(1), the definition of "Material Damage," and 19 NMAC 8.2 107.0(2), the definition of "Occupied Residential Dwelling and Associated Structures," to reference 19 NMAC 8.2 2067, and 2069 through 2072.

The Director finds that New Mexico has satisfied the required amendment codified at 30 CFR 931.16(w) and that New Mexico's definitions of "Material Damage" and "Occupied Residential Dwelling and Associated Structures" are as effective as the counterpart Federal definitions at 30 CFR 701.5. The Director approves proposed NMAC 8.2 107.M(1) and 19 NMAC 107.0(2) and removes the required amendment at 30 CFR 931.16(w).

2. 19 NMAC 8.2 1107, Improvidently Issued Permits—Violations Review Criteria

OSM required at 30 CFR 931.16(y) that New Mexico revise 19 NMAC 8.2 1107, concerning improvidently issued permits, to include the violations review criteria that the Director of the New Mexico program would use to determine