number of small entities, i.e., small businesses and small government jurisdictions. DOE has concluded that the proposed rule will affect the States and local agencies operating weatherization programs, especially in the warmer-weather States which will receive more funding. The incremental effect of the proposed changes relates to the distribution of approximately \$20 million. Thus this incremental effect when spread among all of the States and the District of Columbia will not have a significant impact on a substantial number of small entities. Therefore, DOE certifies that there will not be a significant economic impact on a substantial number of small entities and that preparation of a regulatory flexibility analysis is not warranted.

VIII. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed on the public by today's proposed rules. Accordingly, no OMB clearance is required under the Paperwork Reduction Act, 44 U.S.C. 3501, et seq., or implementing regulations at 5 CFR Part 1320.

IX. Review Under National Environmental Policy Act

The rule proposes changes to the current formula used to distribute funds among the States pursuant to the regulations for the Weatherization Assistance Program for Low-Income Persons. Over the years many warmerweather States have maintained that the current formula over allocates funds to colder-weather States. The purpose of the proposed formula is to increase the overall equity among the States. Since this proposed rule deals only with the manner in which funds will be allocated among the States, the Department has therefore determined that this proposed rule is covered under the Categorical Exclusion found at paragraph A6 of Appendix A to Subpart D, 10 CFR Part 1021, which applies to the establishment of procedural rulemakings. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

X. Other Federal Agencies

DOE provided draft copies of the proposed rule to the Department of Health and Human Services Low-Income Home Energy Assistance Program and the Department of Agriculture Farmers Home Administration. No comments have been received. DOE also provided a draft copy to the Administrator of the

Environmental Protection Agency, pursuant to § 7 of the Federal Energy Administration Act, as amended, 15 U.S.C. 766. The Administrator has not made any comment.

XI. The Catalog of Federal Domestic Assistance

The *Catalog of Federal Domestic Assistance* number for the Weatherization

Assistance Program for Low-Income Persons is 81 042

List of Subjects in 10 CFR Part 440

Administrative practice and procedure, aged, energy conservation, grant programs-energy, grant programs-housing and community development, handicapped, housing standards, Indians, reporting and recordkeeping requirements, and weatherization.

Issued in Washington, D.C. on January 11, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, DOE hereby proposes to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below:

PART 440—WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS

1. The authority citation for part 440 is revised to read as follows: 42 U.S.C. 6861–6871: 42 U.S.C. 7191.

2. In § 440.3, remove the definitions for "Number of Low-Income, Owner-Occupied Dwelling Units in the State"; "Number of Low-Income Renter-Occupied Dwelling Units in the State"; "Percentage of Total Residential Energy Used for Space Cooling"; "Percentage of Total Residential Energy Used for Space Heating"; and add the following definitions in alphabetical order to read as follows.

§ 440.3 Definitions.

* * * * *

Base Allocation means the fixed amount of funds each State will receive as set forth in $\S 440.10(b)(1)$.

Formula Allocation means the amount of funds received by each State based on the formula as calculated in § 440.10(b)(3).

Formula Share means the percentage of the total formula allocation provided to each State as calculated in § 440.10 (b)(3).

Program Allocation means the base allocation plus formula allocation for each State.

* * * * *

Residential Energy Expenditures means the average annual cost of purchased residential energy, including the cost of renewable energy resources.

Total Program Allocations means the annual appropriation less funds reserved for training and technical assistance.

3. Section 440.10 is revised to read as follows:

§ 440.10 Allocation of funds.

(a) DOE shall allocate financial assistance for each State from sums appropriated for any fiscal year, only upon annual application.

(b) Based on total program allocations at or above the 1995 level, DOE shall determine the program allocation for each State from available funds as follows:

(1) Allocate to each State a "Base Allocation" as listed in Table 1.

TABLE 1

1,636,000
1,425,000
1,417,000
760,000
4,404,000
4,574,000
1,887,000
409,000
487,000
761,000
1,844,000
120,000
1,618,000
10,717,000
5,156,000
4,032,000
1,925,000
3,615,000
912,000
2,493,000
1,963,000
5,111,000
12,346,000
8,342,000
1,094,000
4,615,000
2,123,000
2,013,000
586,000
1,193,000
3,775,000
1,519,000
15,302,000
2,853,000
2,105,000
10,665,000
1,846,000
2,320,000
11,457,000
878,000
1,130,000
1,561,000
3,218,000
2,999,000
1,692,000
1,092,000